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Magha 20, 1881 (Saka)

LOK SABHA DEBATES

Tenth Session
(Second Lok Sabha)

LOK SABHA SECRETARIAT
New Delhi

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LOK SABHA

Tuesday, February 9, 1960/Magha 20, 1881 (Saka)

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

Trade Agreement with Pakistan

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*1. **Shri Amjad Ali:**
Shri Rameshwar Tantia:
Shri Pangarkar:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) when is the trade agreement between India and Pakistan going to expire;

(b) whether it is going to be renewed; and

(c) if so, whether it would be so broad-based as to permit trade in a large number of commodities?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) and (b). The Indo-Pakistan Trade Agreement has expired on 31st January, 1960 and a Trade Delegation from Pakistan is expected to arrive shortly for negotiating its renewal.

(c) The actual agreement would depend on the result of negotiations.

Shri Amjad Ali: Is it a fact that the last agreement has not been fully implemented, particularly with regard to cement?

Shri Satish Chandra: In the last agreement, cement was one of the items for import as well as export. It was stipulated that we would be importing some cement from West Pakistan and exporting to East Pakistan. But as our cement production went up, we did not import from Pakistan and so Pakistan also did not import from us.

Shri Amjad Ali: What is the balance of trade position now with Pakistan?

Shri Satish Chandra: During the last one or two years, it has been slightly in favour of India.

Dr. Ram Subhag Singh: What is the value of our total trade during the period of the last agreement?

Shri Satish Chandra: In 1957 we imported goods worth about Rs. 13,40,00,000. In 1958 the figure was Rs. 6,28,00,000. The figures for 1959 are not yet available. As regards exports, we exported goods worth about Rs. 7,12,00,000 in 1958.

Shri Rameshwar Tantia: May I know whether it is a fact that a large amount of proceeds of Indian registered companies and traders are lying in Pakistan and whether this question will be discussed with the trade delegation that is coming?

Shri Satish Chandra: That is an entirely different matter; it does not form part of the trade agreement.

Shri A. C. Guha: May I know whether there is any idea of taking up the question of liberalising border trade between East Bengal on the one side and W. Bengal and Assam on the other?

Shri Satish Chandra: The hon. Member is aware that there were certain clauses in the old agreement relating to border trade. Some difficulties were experienced in that respect, but with the improvement in atmosphere, it is expected that the situation will improve in future.

Dandakaranya Scheme

*2. **Shri Vajpayee:**
Shri D. C. Sharma:
Shri Supakar:
Shri S. M. Banerjee:
Shri Chintamani Panigrahi:
Shri Bibhuti Mishra:
Shrimati Renu Chakravartty:
Shri Karni Singhji:

Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state:

(a) the progress made so far in the reclamation and rehabilitation work under Dandakaranya Scheme;

(b) whether the work is now progressing satisfactorily;

(c) the total number of displaced persons resettled in the area; and

(d) whether all of them have been given gainful employment?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) About 10,000 acres of which 2,700 acres have been fully reclaimed and the rest are in the process of being fully reclaimed.

1212 displaced families have been brought to the area upto the end of January, 1960 and are being provided with work and accommodation at different work centres.

(b) Yes.

(c) About 120 families have been settled on land, some others have been absorbed in vacancies in the various departments of the project. The remaining have been provided with other work pending permanent resettlement on land in the case of agriculturists and other occupations in the case of the others.

(d) Yes, practically all.

Shri Vajpayee: Is it a fact that movement of families from camps in West Bengal to the Dandakaranya area has not been according to plan, as disclosed by the hon. Minister in his statement during the last session and if so, what are the reasons?

Shri Mehr Chand Khanna: The movement has gone on during the last three months. It has not gone on at that pace which we wanted but I would not call it very unsatisfactory.

Shri P. K. Deo: May I know if there was a set-back in the reclamation programme in the Madhya Pradesh portion of the Dandakaranya area for some reasons and if so, what are the reasons?

Shri Mehr Chand Khanna: Is the hon. Member referring to the Paralkote area?

Shri P. K. Deo: Yes.

Shri Mehr Chand Khanna: There has been a slight set-back, but I would not call it very serious. This is on account of certain machines which had to be grounded.

Shri S. M. Banerjee: May I know whether it is a fact that the displaced persons who have been brought to Dandakaranya area are staying in camps and they have to sleep during the winter on the floor? May I know whether they have been given any gainful employment and if so, what?

Shri Mehr Chand Khanna: As regards the first part of the question, I was in Dandakaranya only four days ago. I have been all over the area. I have seen the work centres and camps. I can call the conditions very satisfactory.

Shri S. M. Banerjee: My question has not been answered. The Members of the Estimates Committee were there.

Mr. Speaker: Everything is satisfactory. When the hon. Member puts more than one question in the same question and the hon. Minister says, it is all satisfactory, it is satisfactory with respect to every matter.

Shri Chintamani Panigrahi: Out of the 10,000 acres of land which have been reclaimed in this part, may I know how much has been allotted to the local adivasis?

Shri Mehr Chand Khanna: We have not been able to allot any land to the local adivasis as yet. But we have made arrangements to allocate 25 per cent of the reclaimed land to them. Steps are being taken in that direction. I have assured the tribal leaders who met me in Umarkote zone only the other day that necessary steps will be taken and shall be taken to see that they get their adequate share.

Shri Sanganna: I want to know about the road programme in Dandakaranya. I understand it has not been given proper attention, with the result that transport facilities are not available, to the detriment of the Dandakaranya project as a whole.

Shri Mehr Chand Khanna: The road programme extends over hundreds of miles. We have a National Highway which covers 300 to 400 miles. The road programme in the Umarkote zone is comparatively better compared to the other zones. We are coming into grips with that.

Shri Jaganatha Rao: When will the Umarkote area be ready for settling East Pakistan refugees?

Shri Mehr Chand Khanna: In the Umarkote area, we have made much better advance as compared to the Paralkote area. As I told you just now, we have reclaimed about 6,000 acres of land. My programme is that I should be able to move about 2,000 families within two to three months.

Shri D. C. Sharma: What kind of social amenities are being provided to the persons who are being settled there?

Shri Mehr Chand Khanna: They are divided into two heads; relief and rehabilitation. As far as relief is concerned, we provided them with tents, which we are now converting into basha type hutments. We are making proper arrangements in the shape of medical and educational facilities, as best as we can under the conditions prevailing in Dandakaranya.

श्री विभूति मिश्र : मैं यह जानना चाहता हूं कि पूर्वी पाकिस्तान के और कितने रिफ्यूजी दण्डकारण्य में बसाने को बचे हैं । कितनी जमीन सरकार दण्डकारण्य में साफ करके उनको बसाना चाहती है ? क्या इसकी कोई योजना है ?

श्री मेहरचन्द खन्ना : जनाब, मैंने जवाब दिया है कि दस हजार एकड़ के करीब जमीन पर हम मशीनें चला रहे हैं । कुछ जमीन तो साफ की जा चुकी है और कुछ फैमिलीज बस चुकी हैं, और जैसा कि अभी मैंने अर्ज किया, दो तीन महीनों में दो हजार और फैमिलीज को वहां बसाने का हमारा प्रोग्राम है ।

Dr. Ram Subhag Singh: What is the machinery to reclaim the land in Dandakaranya and what was the target to reclaim so far? Why has it not been achieved?

Shri Mehr Chand Khanna: We have taken machinery from two different sources. One was the old source of the Central Tractor Organisation. We took a large number of machines which had to be cannibalised and I think we have got about 45 machines. Then, we have got some machines from a Japanese firm, Komatsu. One unit is functioning in the Paralkote zone and the other is functioning in the Umarkote zone.

Shri Bimal Ghose: May I know whether there is much greater reluctance on the part of the displaced persons to go to Dandakaranya now than was the case in the beginning and, if so, what is the reason?

Shri Mehr Chand Khanna: Things last month or two.

Shri Jaipal Singh: Some time back the Leader of the House had indicated that in the resettlement and rehabilitation of displaced persons care will be taken of the local community, because in the process of reclamation the local people are also being displaced. He had indicated that there was something like a priority for them. Does that still obtain?

Shri Mehr Chand Khanna: I do not think there is any question of the local people being displaced. The land that has been given by the State Governments is full of jungles and there can be no question of any dislocation. What we are now doing is to allocate 25 per cent of the area to the tribal population. Not only that. When I was there I told the tribals that if there is any programme for education, their interests would be looked after; if the tanks have dried up, we will re-dig them. Their other difficulties are also being attended to. The instructions are that alongside with the rehabilitation of displaced persons, the interests of the tribals should also be adequately safeguarded and advanced.

Mr. Speaker: Since a number of hon. Members seem to be interested in this project, I would suggest that at the beginning of each session the hon. Minister may make a statement on the progress made during the inter-session time.

Shri Mehr Chand Khanna: I am very grateful to you for the suggestion. I will do that.

Manufacture of Watches

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*3. **Shri Ram Krishan Gupta:**
Shri Bhakt Darshan:
Shri Subodh Hansda:
Shri R. C. Majhi:
Shri S. C. Samanta:
Shri D. C. Sharma:
Shri Pangarkar:
Shri Bishwanath Roy:
Shri Radha Raman:
Shri A. M. Tariq:

Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Starred Question No. 880 on the 15th December, 1959 and state:

(a) whether the other schemes for the manufacture of watches in India have since been finalised; and

(b) if so, the details thereof?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). As the House is aware a Indo-French collaboration scheme for manufacture of wrist watches has already been approved by Government. A decision has also recently been taken to establish a watch factory in the Public Sector in collaboration with a Japanese manufacturer. The representatives of the Japanese firm are now in India and discussions are being held for concluding a formal agreement. Other schemes continue to be under consideration. And I may add that a third scheme is likely to be approved at an early date.

Shri Ram Krishan Gupta: May I know the name of the place where the factory in the public sector will be located?

Shri Manubhai Shah: Bangalore.

Shri Ram Krishan Gupta: May I know whether any scheme has been received from any part of Punjab and, if so, the nature of the action taken thereon

Shri Manubhai Shah: Since the other schemes are under consideration and discussions, it would be premature to say which would be the sites for them.

Shri D. C. Sharma: May I know whether the third factory is going to be set up in the public sector?

Shri Manubhai Shah: If I may clarify, the other schemes are in the private sector. The only one in the public sector is the factory with Japanese collaboration.

श्री भक्त दर्शन : श्रीमान माननीय मंत्री जी ने पिछली बार बताया था कि देहरादून में एक कारखाना खोलने का विचार

किया जा रहा है । मैं यह जानना चाहता हूं कि क्या इस सम्बन्ध में कुछ प्रगति हुई है ।

श्री मनुभाई शाह : देहरादून के बारे में कल ही जर्मनी के डिप्टी प्राइम मिनिस्टर से मेरी बातचीत हुई है और अब उन्होंने यह इच्छा प्रदर्शित की है कि वह कोलेबोरेशन देंगे और कुछ प्रोपोजल हमको भेजेंगे । हम उसको भी कनसिडर करेंगे ।

Shri Sadhan Gupta: What kind of watches are contemplated to be manufactured by the factory to be set up in the public sector?

Shri Manubhai Shah: They will be both ladies' and gents'. They would be full lever watches.

Shri Tangamani: What will be the capacity of the plant which is going to be established in Bangalore in collaboration with the Japanese? Will it be bigger than the first one, which is expected to produce 3,10,000 watches?

Shri Manubhai Shah: This will produce in due course about half a million full lever watches.

Shri Shivananjappa: May I know whether the Government of Mysore is participating in the capital formation of this factory?

Shri Manubhai Shah: It follows the usual pattern. This will be a subsidiary or a department of the Hindustan Machine Tools. Therefore, the question of participation of the State Government would not arise.

Shri Radha Raman: May I know whether the Government has made any assessment of the total requirements of watches in the country and whether the plants in the private and public sector put together would make us self-sufficient and, if so, within what time.

Shri Manubhai Shah: We are just making a beginning in a very difficult line of production. Therefore, self-sufficiency is not the immediate objective with which we are starting. We want to initiate production on this very important line in the country firstly from the technological point of view and secondly from the point of view of the great employment potential of this industry.

Hindustan Antibiotics Ltd., Pimpri

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*4. **Shri Sanganna:**
Shrimati Ila Palchoudhuri
Shri S. C. Samanta
Shri Rameshwar Tantia:
Shri Bibhuti Mishra:
Shri Ajit Singh Sarhadi:
Kumari M. Vedakumari:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether a scientific body to examine the procedure in the Hindustan Antibiotics (P) Ltd., Pimpri, for the manufacture of various drugs has been appointed;

(b) if so, its constitution and terms of reference; and

(c) the nature of progress made by it in its work so far?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). A Sub-Committee of the Board of Directors of the Hindustan Antibiotics Limited consisting of the following Directors was appointed:

Dr. H. I. Jhala
Dr. C. G. Pandit
Dr. K. Venkataraman
Dr. B. B. Yodh
Shri S. T. Raja.

The terms of reference of the Sub-Committee were:—

(i) to go into all the spectes of the batch No. F.1573-D manufactured and tested at Hindustan Antibiotics, out of which one vial was used in the treatment of the late Shri V. D. Tripathi, M.P.;

(ii) to examine the standards and testing procedures adopted in the Quality Control Department; and

(iii) to make suitable recommendations.

(c) The Sub-Committee has completed its work and submitted its report to the Board of Directors. The recommendations of the Board are awaited.

Shri Sanganna: What is the reaction of the Government to the view expressed by the different scientific organisations as to the standard of the antibiotics manufactured at Pimpri?

Shri Manubhai Shah: The Sub-Committee's recommendations are with the Board of Directors and their comments are awaited. I had the privilege yesterday to place before the House copies of the statements received from the six institutions to which a large number of samples were sent. They have all expressed the view that the quality is very satisfactory.

Dr. Sushila Nayar: Has the Government taken any steps to study the allergy phenomenon which was probably responsible for Shri Tripathi's death? Have the scientific organisations made any suggestions in that regard?

Shri Manubhai Shah: That would be a suggestion for action, because the question of allergy is a very different and wide one.

Shri Rameshwar Tantia: Is it a fact that the demand for Pimpri production has fallen down since this doubt has been expressed?

Shri Manubhai Shah: No, Sir, there has been no fall. Slight reduction in production takes place occasionally due to the expansion programme of Pimpri but, on the whole, from year to year the production is continuously increasing.

श्री विभूति मिश्र : क्या यह सही है कि आजकल डाक्टर लोग पिम्परी की हिन्दुस्तान एन्टी-बायाटिक्स फ़ैक्टरी में तैयार की गई दवाओं के बजाय बाहर की दवाओं को ज्यादा प्रैस्काइब करते हैं और क्या गवर्नमेंट जल्दी से जल्दी अपनी रिपोर्ट प्रकाशित करके लोगों के दिमाग में यह बात लाने की चेष्टा करेगी कि यहां तैयार की गई दवाएं भी उतनी ही अच्छी हैं ?

श्री मनुभाई शाह : जहां तक रिपोर्ट का ताल्लुक है, कल मैंने हाउस में स्टेटमेंट रखा है और जहां तक डिमांड का ताल्लुक है, पेन्सिलिन की डिमांड बढ़ रही है और मेडिकल वर्ल्ड में तो ऐसा ख्याल किया जाता है कि इसकी डिमांड को कुछ रैशनलाइज करना चाहिए और जरूरत से ज्यादा पेन्सिलिन का इस्तेमाल अच्छा नहीं है ।

Shri Khadilkar: In view of the fact that for the last few months reports had been coming about the after effects of penicillin, at the end of the last session the hon. Minister had announced in the Rajya Sabha that a committee of scientists under the chairmanship of Dr. Bhabha would go into the whole question of the procedure. May I know the present position?

Shri Manubhai Shah: We are awaiting the opinion of the Board of Directors. As I said in the other House on the last day of the session, if after examining the report and the recommendations of this committee we find it is necessary to have a further committee, that would be appointed.

Shri S. M. Banerjee: It came out in the newspapers yesterday that the particular tube of penicillin which was said to have been administered to Shri V. D. Tripathi has been properly tested. May I know whether a copy of that report will be laid on the Table of the House?

Shri Manubhai Shah: I have already laid on the Table copies of the reports from all the six institutions. As far as the remnants of the phial are concerned, the report on that was placed on the Table of the House much earlier.

चीनियों द्वारा निरुद्ध भारतीय

*५. { श्री भक्त दर्शन :
श्री राम कृष्ण गुप्त :

क्या प्रधान मंत्री १६ नवम्बर, १९५९ के अतारांकित प्रश्न संख्या १२ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि तिब्बत में चीनी अधिकारियों द्वारा जो लगभग ३७ भारतीय नागरिक या भारतीय रक्षित व्यक्ति गिरफ्तार कर लिये गये थे उन्हें मुक्त कराने में अब तक कहां तक सफलता मिली है ?

वैदेशिक-कार्य उपमंत्री (श्रीमती लक्ष्मी मेनन) : हमारे पास जो सूचना सुलभ है उसके अनुसार अब तक १४ व्यक्ति छोड़े गये हैं । बाकी लोगों को छुड़वाने की कोशिशें चल रही हैं ।

[According to information available with us 14 persons have so far been released. Efforts for the release of the remaining are continuing.]

श्री भक्त दर्शन : श्रीमन्, मैं यह जानना चाहता हूं कि जिन भारतीय नागरिकों को गिरफ्तार किया गया है, उन पर क्या अपराध लगाया गया है ?

Shrimati Lakshmi Menon: In the case of a Sikkim national the Chinese had stated that he had been held in custody because of serious charge of collusion with the Tibetan rebellion and participation in the rebellion. About another family the Chinese Government held that they were Chinese and that they had been arrested on account of breaking the law and were under trial.

Shri Vidya Charan Shukla: May I know if any other Indian or Indian-protected persons have been arrested after the Government got intimation of arrest of these 37 people?

Shrimati Lakshmi Menon: I have no information.

Shri Ajit Singh Sarhadi: Are the persons, who are being detained, being tried for some offence or is it pure and simple detention?

Shrimati Lakshmi Menon: This is only detention of the two sets of people who were kept under detention for various allegations. I have already read them out. The others were 16 Ladakhi Lamas, one Ladakhi trader and one Indian-protected person.

Shri Hem Barua: May I know whether in this group of 37 persons of which 14 persons are so far released are included those persons about which the papers establishing their identity were not discovered or could not be traced? This was the reply that was given by the hon. Prime Minister on the previous occasion. May I know whether there are persons whose documents or papers are in doubt in this group also?

Shrimati Lakshmi Menon: The persons under detention are persons who were resident in Tibet for a considerable period of time, such as, Kashmiri Muslims and Ladakhi Lamas. We hold that under articles 5 and 8 of our Constitution and also according to international usage these persons are Indian citizens.

श्री भक्त दर्शन : श्रीमन्, जिन भारतीय नागरिकों को अब तक रिहा नहीं किया गया है, क्या चीनी अधिकारियों ने कोई कारण बताये हैं कि क्यों उनको अब तक नजरबन्द रखा जा रहा है और उनके सम्बन्ध में कब तक निर्णय हो सकेगा ?

Shrimati Lakshmi Menon: I think I answered that question. I have already pointed out that they do not accept our stand in this matter, that is, that they are Indian nationals.

Dr. Ram Subhag Singh: May I know whether the 14 released Indians have come over to India and, if not, whether the officers of the Government of India have contacted them

and have known about their condition?

Shrimati Lakshmi Menon: They have come over to India.

Slum Clearance in Bangalore

*6. **Shri Keshava:** Will the Minister of Works, Housing and Supply be pleased to refer to the reply given to Starred Question No. 143 on the 19th November, 1959 and state:

(a) the reasons why work has not been started in all the slum areas in Bangalore except Goripalya.

(b) whether Government have evolved any machinery either to expedite or implement the sanctioned slum clearance programmes; and

(c) if not, the reasons therefor?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) The slums in the Kalasipalayam and Goripalya (North) areas which are situated on Corporation land have been taken up for clearance. The clearance of the other areas, situated on private land, is dependent on the acquisition of the sites, under the Mysore Slum Areas Act, 1958, which takes a comparatively longer time.

(b) and (c). The Mysore Government have issued instructions to the Bangalore Municipal Corporation, which has the requisite administrative machinery, to hasten the progress of work against the sanctioned slum clearance projects.

Shri Keshava: In view of the fact that no less a person than the Chief Minister of Mysore himself told us that the Central Government merely sanctions the schemes and does not put in the funds at their disposal, may we know the total amount of the cost of schemes that have been sanctioned by the Central Government and the amount, if any, that the Central Government has put in the State Government funds?

Shri Anil K. Chanda: The cost of the slum clearance projects which have been sanctioned for Bangalore amounts to Rs. 40.78 lakhs. There is no difficulty about the States getting the money because for the last 1½ years *pro rata* for the first nine months three fourths of the money allotted for the entire scheme is paid out to the States.

Dr. Sushila Nayar: In view of the fact that the problem of slums is an all-India problem and some experiments have been made as to whether it should be executed through certain private agencies, like, the Bharat Sewak Samaj or by the Government, has any assessment been made as to which agency is able to do this work more expeditiously and more economically?

Shri Anil K. Chanda: This matter has been considered in detail at the various Ministers' conferences. The difficulties of slum clearance are mostly with regard to the acquisition of lands. I do not think it will be possible for a private agency to do the work more expeditiously than the State Governments.

Shri Sonavane: May I know whether the State Governments are executing these slum clearance schemes in consonance with the amount sanctioned by the Central Government?

Shri Anil K. Chanda: Yes, Sir. All the money is provided for by the Central Government except 25 per cent contributed by the States. 62½ per cent altogether is the subsidy in major towns and the balance 37½ per cent, is the loan advanced by the Central Government.

Shri Achar: The hon. Minister was pleased to say that the delay is due to land acquisition proceedings. May I ask if the Government cannot actually take possession of the land under the Land Acquisition Act and have the proceedings, valuation and all that later on? Can possession of the land not be taken and work commenced?

Shri Anil K. Chanda: If it were legally possible, I am sure the State Government would have taken possession of the land.

Shri Thimmaiah: Since the inception of the scheme, may I know whether the Government has got any idea as to how many slums have actually been cleared out?

Mr. Speaker: In Bangalore? All over, I am not going to allow.

Shri Keshava: Is the Government aware of the fact that out of a population of ten lakhs, 1½ lakhs are living in the slums?

Shri Anil K. Chanda: According to the estimate of the Government, there are 93 slums in Bangalore and clearance of seven of these slums has been sanctioned.

Samadhi of Mahatma Gandhi

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*7. { **Shri D. C. Sharma:** / **Shri Pangarkar:**

Will the Minister of **Works, Housing and Supply** be pleased to refer to the reply given to Starred Question No. 33 on the 16th November, 1959 and state the progress made in the construction of the Samadhi of Mahatma Gandhi at Raj Ghat?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): Tenders for the work of pile foundations have been received and are under consideration.

Shri D. C. Sharma: What step is the Government taking to speed up the construction of the Samadhi which has been long over-due?

Shri Anil K. Chanda: It is a work of a monumental nature. The first phase alone will take about four years. We are doing everything possible to expedite the beginning of the work.

Shri Pangarkar: May I know whether it is a fact that several hair-cracks have apeared in the Samadhi of Mahatma Gandhi at Rajghat in Delhi and, if so, the steps taken by the Government to remove them?

Shri Anil K. Chanda: At present there are no hair-cracks on the Samadhi.

Shri D. C. Sharma: How long will it take the Government to sanction the tender, what will be the time between the sanction of the tender and the commencement of construction and between commencement of the construction and completion?

Shri Anil K. Chanda: Tenders for the pile foundations have been received and scrutinised. I think the tenders would be sanctioned within the course of the next three or four days. The work can commence about two months after the contract has been signed. The first phase of the work is estimated to take about four years.

Bengal-Nagpur Cotton Mills, Rajnandgaon

*8. **Shri Vidya Charan Shukla:** Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Starred Question No. 426 on the 24th November, 1959 and state:

(a) whether the Somani Committee appointed by Government to make an inquiry into the affairs of the Bengal-Nagpur Cotton Mills at Rajnandgaon in Madhya Pradesh has since submitted its report;

(b) if so, the salient features thereof;

(c) if the reply to part (a) be in the negative, the reasons for the delay; and

(d) the time by which the Report is expected to be submitted?

The Minister of Commerce (Shri Kanungo): (a) and (c). The report of the Committee is expected very shortly.

(b) and (d). Do not arise.

Shri Vidya Charan Shukla: What were the terms of reference of the Committee? Were any fresh terms

of reference also proposed for the Committee of Inquiry later on?

Shri Kanungo: No fresh terms of reference are proposed or have been proposed. The normal terms of reference are to enquire into the affairs of the undertaking. I may mention that there are certain negotiations going on between the employers and the labour on the one side and the State Government on the other side for certain arrangements by which the mills would be opened quickly.

श्री राम सिंह भाई वर्मा : क्या सरकार को ज्ञात है कि सोमानी कमेटी की रिपोर्ट के डिले के कारण वह मिल जिसे स्टेट गवर्नमेंट और प्राइवेट पार्टीज भी चलाना चाहती ह लेकिन वे असफल रही हैं और वह मिल बन्द पड़ी हुई है ?

श्री कानूनगो : सोमानी कमेटी ने अपनी रिपोर्ट बाकी रखी है इस खयाल से कि नेगोशियशंस अच्छी तरह से हो जाएं ।

श्री राम सिंह भाई वर्मा : सरकार को यह भली भांति पता है कि सोमानी कमेटी को नियुक्त हुए छः महीने हो गये हैं । छः महीने से मिल बन्द पड़ी हुई है जिससे उत्पादन और इम्पलायमेंट का नुकसान हो रहा है और इस कमेटी की बैठकें कलकत्ता, बम्बई और बंगलौर में हो रही हैं किन्तु एम्पलायर्स का उससे सहयोग न होने के कारण इसमें डिले की जा रही है ?

श्री कानूनगो : जी नहीं, मैंने पहले कहा कि इनफार्मल नैगोशियशंस चल रही हैं और इसी वजह से कमेटी ने अब तक अपनी राय जाहिर नहीं की है ।

Payment of Compensation by Indonesian Government

*9. **Shri P. K. Deo:** Will the **Prime Minister** be pleased to refer to the reply given to Starred Question No. 1034 on the 1st September, 1959 and state:

(a) whether the question of payment of compensation by the Indonesian Government to members of the Indian Embassy for the loss incurred by them due to the raid by the Indonesians on their houses on the 15th March, 1957, has since been settled; and

(b) if not, the reasons therefor?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) No.

(b) Although the Government of Indonesia have promised to pay compensation, the matter can be finalised only when a mutually accepted assessment of the losses has been arrived at. The matter is still under negotiations through normal diplomatic channels.

Shri P. K. Deo: Last September, in reply to a similar question of mine, the answer given was that the matter was being actively pursued. The matter has been hanging fire since the last three years. May I know if the matter has been taken up seriously at the Ambassador level, or just reminders are being sent in the usual way?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): The question, Sir, is about the extent of compensation to be given. The actual damage caused was, I think, estimated at about Rs. 34,000 or Rs. 35,000 of which the amount estimated to have been the loss caused to the persons concerned is about Rs. 10,000. The figures are not large. The Indonesian Government estimated it at a little less than half this figure. So, correspondence has been going on about this relatively small matter.

Shri P. K. Deo: May I know if the Government are considering payment of compensation out of their own funds to the employees who have suffered loss in the discharge of their legitimate duties for no fault of theirs and have been suffering for the last three years?

Shri Sadath Ali Khan: There is no financial provision to compensate staff members of the Indian Embassy who unfortunately suffered this loss in anticipation of any compensation being paid by the Indonesian Government. Therefore, the matter rests there.

Shri Hem Barua: In reply to the original question it was said that no mutually acceptable assessment has been arrived at. May I know the agency that is engaged in making this assessment, whether it is the agency of the Indonesian Government or our Embassy there in Indonesia, or whether there is a joint team surveying the loss, so as to fix the assessment and then payment of the compensation?

Shri Jawaharlal Nehru: It is a very minor matter. There is no political or other significance, except that the unfortunate thing happened for which the Indonesian Government expressed their great regret. Now we cannot push the Indonesian Government about these matters. They have accepted it. May be that some compromise figure will be arrived at.

Mr. Speaker: It was suggested by the hon. Member that Government might, of its own accord, give compensation to these people who have suffered. They were in the Embassy, our own Embassy servants suffered. The other people are not compensating immediately. Should not our Government do so? That was the suggestion.

Shri Jawaharlal Nehru: Where there is a case of special hardship, it will be certainly looked into.

Shri Hem Barua *rose*—

Mr. Speaker: There is nothing of importance.

// **Soviet Prime Minister's Visit**

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*10. **Shri Rameshwar Tantia:**
Shri P. G. Deb:
Shri Madhusudan Rao:
Shri Bibhuti Mishra:

Will the **Prime Minister** be pleased to state:

(a) whether the Government of India have extended invitation to **Mr. Khrushchev, Prime Minister of Russia,** to visit India; and

(b) if so, whether it has been accepted?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) Yes.

(b) Yes.

Shri Rameshwar Tantia: Is there any possibility of discussing the India-China border with Mr. Khrushchev?

श्री इ० मधुसूदन राव : क्या माननीय प्रधान मंत्री बतलाने की कृपा करेंगे कि श्री ख्रुश्चेव यहां कितने दिन रहेंगे और किन किन विषयों पर बातचीत करेंगे ?

Mr. Speaker: How can that be allowed?

प्रधान मंत्री तथा वैदेशिक कार्य मंत्री (श्री जवाहरलाल नेहरू) : अखबारों में छप चुका है कि कितने दिन रहेंगे । वह यहां दो दिन रहेंगे, और इस वक्त कोई कांफरेंस तो है नहीं कि अजन्डा तैयार हो । मैं नहीं जानता कि किन किन बातों पर बातचीत होगी ।

श्री वाजपेयी : रूस के प्रधान मंत्री यहां प्रधान मंत्री की हैसियत से आ रहे है । मैं जानना चाहता हूं कि क्या यह सच है कि उनका उसी तरह से स्वागत किया जायगा जिस तरह से कि किसी राष्ट्र के प्रेसिडेंट का किया जाता है । और यदि हां, तो इसका क्या कारण है ?

श्री जवाहरलाल नेहरू : जी हां, करीब करीब वैसे ही किया जायगा । करीब करीब इसलिए मैंने कहा कि इसमें जो फार्मेलिटीज होती हैं वह नहीं होंगी । लेकिन इसमें फर्क सिर्फ एक ही है आम तौर से कि हमारे राष्ट्रपति उनका स्वागत करने जायेंगे और उनकी एक दावत करेंगे । यह बातें होंगी, जो कभी होती हैं और कभी नहीं होतीं । लेकिन यह मामला पेचीदा है, इसके लिए कोई कायदे

कानून तो नहीं बने हुये हैं। मिसालके तौर पर मैं वाशिंगटन गया था तो वहां के राष्ट्रपति मुझे लेने आये थे। अभी मि० ख्रुश्चेव वहां गये थे तो वहां के राष्ट्रपति उनको लेने गये थे। तो यह मामले कोई ऐसी पत्थर की लकीर नहीं है। देखा जाता है कि क्या उचित है और वैसा किया जाता है।

Shri S. M. Banerjee: I want to know whether any specific agenda has been fixed and if it is in the mind of the hon. Prime Minister to discuss specific subjects?

Mr. Speaker: He has already answered it. It is not a conference and there is no agenda.

Indian Pilgrims in Saudi Arabia

*11. **Shri M. B. Thakore:** Will the **Prime Minister** be pleased to state:

(a) whether a large number of pilgrims from India experience hardships in Saudi Arabia in getting their passage to India, and accommodation and for want of furniture in "Musafarkhanas", etc.; and

(b) if so, what steps have been taken by Government to remove such inconveniences to them?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) and (b). No hardship was experienced by the Indian pilgrims in the past. Last year, however, some instances of hardships were brought to the notice of the Government of India. They were mainly due to (i) excessive heat in 1959 in Saudi Arabia and (ii) big gaps in between the inward sailings.

There were no complaints about lack of facilities in the Musafarkhana in Jedda which is the responsibility of the Government of Saudi Arabia. They always try to provide maximum amenities to the pilgrims.

The hardships experienced by the Indian pilgrims in respect of return passages were brought to the notice of the Government of Saudi Arabia with a view to remedy them. The matter is being actively pursued by our Ambassador in Jedda.

Shri M. B. Thakore: May I know from the hon. Prime Minister whether any representation was made to the Government of India to remove inconveniences to the pilgrims at Jedda; if so, the nature of the representation and the steps taken by the Government regarding this?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I am not aware of any such representation. I cannot say off-hand that no papers reached us, but I am not aware of it, and my own information is, and I have personally received letters from many pilgrims praising the arrangements made by the Government of India there and the part our Ambassador in Jedda took in helping them.

श्री अ० मु० तारिक : मैं प्रधान मंत्री से यह जानना चाहता हूं कि चूंकि हज के मौके पर हिन्दुस्तान से बहुत से जायरीन वहां जाते हैं और उन्हें रहने की बहुत तकलीफ होती है, क्या हमारे लिये यह मुमकिन नहीं है कि हम हुकूमत सउदी अरब से मश्विरा कर के हिन्दुस्तान के जायरीन के लिये खुद वहां कोई मुसाफिरखाना बनायें ताकि उन्हें परेशानी न हो।

[شری اے ایم طارق : میں پردھان منتری سے یہ جاننا چاہتا ہوں کہ چونکہ حج کے موقع پر ہندوستان سے بہت سے زایرین وہاں جاتے ہیں اور انہیں رہنے کی بہت تکلیف ہوتی ہے - کیا ہمارے لئے یہ ممکن نہیں ہے کہ ہم حکومت سعودی عرب سے مشورہ کر کے ہندوستان کے زایرین کے لئے خود وہاں کوئی مسافر خانہ بنائیں تاکہ انہیں پریشانی نہ ہو]

श्री जवाहरलाल नेहरू : यह कुछ मुनासिब नहीं मालूम होता। अव्वल तो सउदी अरब की हुकूमत ने काफी इन्तजामात किये हैं और वह बढ़ते जाते हैं। पुराने जमाने में, यानी दस, बारह या पंद्रह वर्ष पहले बहुत काफी परेशानी मुसाफिरों को होती

थी । लेकिन पिछले वर्षों से उन के इन्तजामात काफी बढ़ते जाते हैं, और जहां तक हमें मालूम है, वहां ऐसे इन्तजामात करने के लिये कोई पैसे की कमी नहीं है । चुनांचे यह सवाल कि हम वहां जा कर खास तौर पर मुसाफिरखाने बनायें नहीं उठता । हमारी तरफ से वहां डाक्टरी इन्तजाम है, अस्पताल है, और जितने मुसाफिर वहां जाते हैं वह कहते हैं कि पहले के मुकाबले बहुत आराम है । लेकिन वाक्या यह है कि कोई आदमी वहां के मौसम को, गर्मी की तेजी को, नहीं बदल सकता । और अक्सर वहां लोग जाते हैं जैसे कि यहां काशी में जाते हैं, आखिरी दम लेने वहां जाते हैं । यह मुश्किल हो जाती है ।

श्री अ० मु० तारिक : मैं प्रधान मंत्री से यह भी जानना चाहता हूं कि क्या यह हकीकत नहीं है कि इस साल नामुनासिब इन्तजाम होने की वजह से हिन्दस्तानी जायरीन की बहुत काफी तादाद में मौतें हुईं ? और क्या यह भी हकीकत नहीं है कि सउदी अरब में इस वक्त कुछ प्राइवेट हिन्दुस्तानी मुसाफिरखाने हैं ? क्या हम उन्हें सुधार नहीं सकते ? हिन्दुस्तान के मुसाफिरों के लिये क्या अपने सफीर के जरिये, जो वहां रहते हैं, ऐसा नहीं किया जा सकता ?

[شری ا ر-ایم طارق : میں پردھان منتری سے یہ بھی جاننا چاہتا ہوں کہ کیا یہ حقیقت نہیں ہے کہ اس سال نامناسب انتظام ہونے کی وجہ سے ہندوستانی زائرین کی بہت کافی تعداد میں موتیں ہوئیں - کیا یہ بھی حقیقت نہیں ہے کہ سعودی عرب میں اس وقت کچھ پرائویٹ ہندوستانی مسافر خانے ہیں کیا ہم انہیں سدھار نہیں سکتے ہندوستان کے مسافروں کے لئے کیا اپنے سفیر کے ذریعہ - جو وہاں رہتے ہیں - ایسا نہیں کیا جا سکتا -]

श्री जवाहरलाल नेहरू : मैं नहीं समझता कि यह बात सही है । यह बात जरूर है कि कई लोगों का इन्तकाल हो गया, लेकिन गर्मी की वजह से, परेशानी की वजह से । सिवा आफताब की गर्मी के इस के लिये कौन जिम्मेदार है, मैं नहीं कह सकता ।

Shri M. B. Thakore: May I know whether it is a fact that our Embassy at Jedda is at an inconvenient place?

Mr. Speaker: Inconvenient to whom?

Shri M. B. Thakore: Our pilgrims are not able to go there.

Shri Jawaharlal Nehru: If some people abroad say that Delhi is an inconvenient place for their Missions to stay, I am afraid we are not likely to change it. Jedda is the diplomatic centre of the Saudi Arabian Government. All the Ambassadors in Saudi Arabia have their Missions, offices and chanceries in Jedda; so do ours. Mecca is—I forget the exact distance—within a couple of hours' motor drive from there; it is about thirty or forty or fifty miles, I forget exactly how much. That is a proper place. Now, some people have suggested that it should be in Mecca itself. That, I think, would not be feasible, convenient or to the liking of the Saudi Arabian Government.

Kandahar Riots

*12. **Shri Raghunath Singh:** Will the **Prime Minister** be pleased to state whether any Indian national or property of Indian nationals was lost during the Kandahar riots in the months of November and December, 1959 in Afghanistan?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): No, Sir.

श्री रघुनाथ सिंह : मैं यह जानना चाहता हूं कि इस राइट का सबब क्या था और राइट के वक्त हिन्दुस्तानियों का ऐटीट्यूड क्या था ?

श्री साबत अली खां : हिन्दुस्तानियों पर कुछ आंच नहीं आयी । अफगानिस्तान की गवर्नमेंट ने उनको हर किस्म की मदद

की । उनका ताल्लुक न राइट से था और न उनको राइट में कोई नुकसान पहुंचा ।

Indo-Pakistan Limited Payment Agreement

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*13. **Shri Damani:**
Shri Aurobindo Ghosal:
Shri B. Das Gupta:
Shri Hem Barua:

Will the Minister of **Commerce and Industry** be pleased to state the extent to which the limited payment arrangement under Indo-Pak agreement reached in early December, 1959, has affected the foreign trade with Pakistan?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): As the Limited Payments Agreement with Pakistan was signed only on 3rd December, 1959, it is rather too early to make an assessment of its effect on Indo-Pakistan trade.

Shri Damani: May I know whether, if the limit is attained before the expiry of the period, there is any clause in the agreement to increase the limit?

Shri Satish Chandra: The agreement has been signed only for a period of one year, and it stipulates the exchange of goods worth about Rs. 2 crores on each side. The necessary steps are being taken. No trade has yet started to move under this particular agreement.

Shri Damani: According to the agreement, we are to import 25,000 bales of cotton. How much out of this cotton is being licensed, and is there any intention to increase this quantity?

Shri Satish Chandra: No quantity has been fixed in the agreement. But a sum of Rs. 1 crore has been provided for the import of cotton under the rupee clearance account. Out of this, a quota of 20,000 bales has been announced by the Textile Commissioner, and licences for about 4,000 bales have been issued so far.

Shri Aurobindo Ghosal: Besides cotton, what are the other commodities included in this Limited Payments Agreement? May I know whether fishes and eggs have been included in this?

Shri Satish Chandra: Poultry and eggs can come under the agreement from Pakistan. The other commodities are raw cotton and fresh fruits. For exports, fruits and cement and other miscellaneous articles are included.

Shrimati Renuka Ray: Has the foreign exchange required for the import of fish and eggs been allotted? For, we were told that there was some difficulty on this account.

Shri Satish Chandra: Under this Limited Payments Agreement, this is apart from the general agreement—there is exchange of goods for goods. Poultry and eggs are included for import.

Mr. Speaker: Fish also?

Shri Satish Chandra: I am not sure of fish.

Shri Raghunath Singh: The matter is fishy.

Shri Damani: May I know whether Government are considering the question of importing more cotton under this agreement, and also whether Government are going to consider any barter system of exporting cloth and importing cotton, under this agreement?

Shri Satish Chandra: This agreement has already been entered into about two months ago. A fresh trade agreement is to be negotiated with Pakistan, as I said earlier in answer to the first question. That trade delegation is expected from Pakistan by the end of this month. We shall take up the other matters with them during negotiations.

Regional Hospital at Kurasia

*14. **Shri T. B. Vittal Rao:** Will the Minister of **Labour and Employment** be pleased to refer to the reply given to Starred Question No. 1003 on the 6th March, 1959 and state:

(a) whether the plans and estimates for the construction of thirty-bed regional hospital at Kurasia in the Korba coal fields have since been finalised; and

(b) if so, when the construction will commence?

The Deputy Minister of Labour (Shri Abid Ali): (a) Yes.

(b) The site which was originally selected has since been considered unsuitable because of development activities in the adjacent coal-bearing areas. Another site has been selected and construction will commence as soon as the required formalities are completed.

Shri T. B. Vittal Rao: May I know whether, in view of the fact that it takes a long time to get imported apparatus like X-ray and other necessary equipment for hospitals, the necessary orders for the equipment for the hospitals have already been placed?

Shri Abid Ali: The Commissioner of the Coal Mines Welfare Fund has taken the necessary steps in the matter.

Situation in NHTA and NEFA

*15. **Shri Rameshwar Tantia:** Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that the law and order situation in Naga Hills Tuensang and NEFA areas deteriorated since November-December, 1959 and disturbed areas were enlarged; and

(b) if so, the reasons therefor?

The Parliamentary Secretary to the Minister of External Affairs (Shri J. N. Hazarika): (a) No.

(b) This does not arise.

Shri Rameshwar Tantia: Is it a fact that some non-Nagas were recently arrested for collaborating with rebels?

Shri J. N. Hazarika: I have no information to give about this.

Shri Rameshwar Tantia: Since the emergency was declared, how many rebels were killed by our forces, and what were our losses?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): We have stated some figures in the past. I have not got any up-to-date figures now.

Shri Chintamoni Panigrahi: We are reading in the newspapers that during the last two or three months, the situation in the Naga Hills area is most disturbed and many raids are taking place. But the Parliamentary Secretary does not say that the situation has deteriorated. What is the matter? We would like to know the exact position.

Mr. Speaker: This is a general answer.

Shri Chintamoni Panigrahi: During the last three or four months, we have been seeing in the newspapers that many times the Nagas have raided, and many incidents have taken place. But the Parliamentary Secretary says that nothing has happened.

Shri Jawaharlal Nehru: The answer is that the situation has not deteriorated. It has, in fact, broadly improved. That, of course, does not mean that no incident has occurred. They have occurred. Our judgment is that the situation is very much better, and in fact, possibly as a result of this, and in some desperation, some incidents occurred; some incident can always occur. It can occur in the heart of Delhi; that is a different matter. And I do not mean to imply that things are completely settled and everything is good there. I merely stated that the situation is considerably better than it has been in the past.

श्री प्रकाश वीर शास्त्री : क्या मैं यह जान सकता हूं कि सेना के जिन अधिकारियों के हाथ में इस समय नागा प्रदेश में शान्ति स्थापना का कार्य है, उन्होंने भारत सरकार से यह अनुरोध किया है कि जब तक इस प्रदेश में शान्ति स्थापित न हो जाये, तब तक विदेशी पादरियों को वहां से हटा दिया जाये ?

श्री जवाहरलाल नेहरू : जहां तक मुझे मालूम है वहां पर कोई विदेशी पादरी नहीं हैं। मुमकिन है एक आध हों, लेकिन हैं नहीं। यह सूचना माननीय सदस्य को कैसे मिली कि वहां विदेशी पादरी हैं।

श्री प्र० ना० सिंह : क्या मैं जान सकता हूं कि नेफा इलाके के कुछ रिबेल्स को चाइनीज द्वारा चाइनीज लीडर्स से मिलाने के लिए पीकिंग ले जाया गया और चीन की तरफ से नेफा के इलाके में इस तरह की कार्रवाई की जा रही है कि वहां गड़बड़ी बढ़े ?

श्री जवाहरलाल नेहरू : जहां तक मुझे इत्तला है ऐसी कोई बात नहीं हुई है।

Shri Hem Barua: May I know whether it is a fact that recently at Gauhati, the Prime Minister described this area as almost a war region? I quote him verbatim. He said it was almost a war region. That was how it was described by the Prime Minister at Gauhati. May I know whether this description has any relation to the improvement of the situation in the area or to the worsening of it?

Shri Jawaharlal Nehru: I have no recollection of what I said on the occasion and in what context. It is difficult. I try not to remember all that I have always said; it is too much of a burden on my mind. It depends on the context etc. But what I have said is this that undoubtedly it has been a disturbed region all this time, and the situation is much better now. If one goes into a great deal of detail, one may do so.

Shri Hem Barua: May I make a reference to the context? . . .

Mr. Speaker: Are we having a discussion on it now?

Shri Hem Barua: If I make a reference to the context, that would clarify the situation.

An Hon. Member: For, it has deteriorated.

Mr. Speaker: He is under the impression that it is, no doubt, a disturbed region; beyond that, even if he should have said that it was a war region, he only meant that it was only a disturbed region.

मछली का तेल

*१६. **श्री पद्म देव** : क्या वाणिज्य एवं उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) वर्ष १९५९ में कितना मछली का तेल आयात किया गया और उसका मूल्य क्या था ;

(ख) देश में मछली के तेल की कुल मांग कितनी है; और

(ग) मछली के तेल का आयात बन्द करने तथा इस सम्बन्ध में आत्मनिर्भरता प्राप्त करने की दिशा में सरकार क्या पग उठा रही है ?

The Minister of Industry (Shri Manubhai Shah): (a) to (c). A statement is placed on the Table of the House.

STATEMENT

(a) The quantity and the cost of oils from fish and marine animals during 1959 (January-October) is 2,631 cwts. and Rs. 1,86,000 respectively.

(b) The total demand of fish oil as such has not been estimated; the demand of Shark Liver Oil only has been estimated at 1,00,000 gallons by the Pharmaceutical Enquiry Committee, 1954.

(c) At present, a total capacity of 20,000 gallons per annum exists for the production of Shark Liver Oil. With a view to develop further and modernise the indigenous Shark Liver Oil Industry, Development Council for Drugs, Dyes and Intermediates have appointed a sub-committee who have since submitted a report to the Council for consideration. Meanwhile, import of Cod Liver Oil and other kinds of Fish Oil has been banned during this period.

Shri Tangamani: May I know whether Government are going to impose a complete ban on the import of cod liver oil in future?

Shri Manubhai Shah: There is already a ban on the import of cod liver oil. I have said in my statement:

> "Meanwhile, import of cod liver oil and other kinds of fish oil has been banned during this period".

Shri Tangamani: Is the import completely banned?

Shri Manubhai Shah: That is what is written there that—

> "import of cod liver oil and other kinds of fish oil has been banned during this period".

"Banned" means completely banned.

Allocation of Art Silk Yarn

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*17. **Shri Achar:**
Shri Shree Narayan Das:
Shri Radha Raman:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether there is any change in the method of allocation of art silk yarn by the Textile Commissioner, Bombay;

(b) if so, whether Government are aware of the hardship it has caused to the factories situated in the interior in comparison with the factories situated near the ports such as Bombay, Surat and Hyderabad;

(c) whether Government have received any representation on this point from the Western U.P. Chamber of Commerce or other institutions or persons; and

(d) if so, whether Government have taken any steps to remedy the grievance?

The Minister of Industry (Shri Manubhai Shah): (a) Yes, Sir.

(b) No hardship has been caused to factories merely because of their location in the interior as compared to these near ports.

(c) Yes, Sir.

(d) Steps have been taken to ensure that all factories get enough quantity of art-silk yarn to run all powerlooms on a single shift basis.

Shri Achar: May I know why this change was made, because I find that in the interior, mills with two or three shifts do not get enough yarn whereas on the coast-line mills with one shift get enough? Has this been brought to the notice of Government?

Shri Manubhai Shah: The fact, as the matter stands is that there is no distinction between factories situated in the interior and those situated in the ports. Some of the factories in the interior run more than one shift. Now, the foreign exchange shortage was there and we had to be equitable in our distribution. So the basis taken was one shift full working of all powerlooms, whether they were working two or three shifts or one shift.

Shri Achar: May I know whether distribution will be made according to the number of shifts in factories, as otherwise great hardship is caused to those factories which are working more than one shift.

Shri Manubhai Shah: As I explained, there is a definite difficulty at some places. But under the circumstances prevailing in the country, we could not afford to spend more foreign exchange on the import of art silk yarn. Therefore, this formula was devised. But I can assure the hon. Member that this was done in consultation with the Development

Council of the Art Silk Industry. We have asked the Textile Commissioner to once again meet all the representatives of the industry. In the next two or three weeks, he is going to have a discussion with them, and perhaps evolve a more acceptable formula.

Shri Tangamani: May I know whether any representation has been received from the Madras State Handloom Board for increasing the quota for handloom weavers in Madras State?

Shri Manubhai Shah: In these matters, we continue to receive representations from practically every quarter, because the commodity is in acute short supply. I can assure the hon. Member that the requirements of handloom are always given a priority over the requirements of others.

Shri Damani: May I know whether the distribution of art silk yarn is made to the weavers direct or through their associations? If it is the latter, have Government received any complaint from the associations?

Shri Manubhai Shah: There is a different pattern in different places. So far as powerlooms are concerned, the actual users generally get it direct. As far as handloom weavers are concerned, they get it through co-operative societies, and in some cases, also through associations.

Shrimati Parvathi Krishnan: The Minister has stated that a meeting is being called to discuss the matter with representatives of the industry. May I know whether representatives are also being invited from the handloom weavers' associations in Madras State and the State Handloom Board?

Shri Manubhai Shah: When I say 'discussion', it means discussion with the representatives, all the broad interests, not necessarily regional. The handloom interests, powerloom interests, manufacturers, indigenous suppliers—all will be called and discussion will take place.

Shrimati Parvathi Krishnan: Is the Minister aware that raw silk yarn allotted for handloom by the Mysore State is being sold at black-market prices in Madras State? If so, what steps are being taken to check and see that the allocations made are fair?

Shri Manubhai Shah: As far as these commodities in short supply are concerned, sometimes the actual users do sell them. But it is out best endeavour to supply them in reasonable quantities. Particularly in this scheme which is currently running, the whole idea was to promote exports. Under the export promotion scheme, those mills which produce better cloth should be enabled to import more yarn against exports rather than cut in on the requirements of the handloom or small factories which are manufacturing for internal consumption.

Export of Films

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*18. **Shri L. Achaw Singh:**
Shri Bishwanath Roy:
Shri Raghunath Singh:
Shri Tangamani:

Will the Minister of **Information and Broadcasting** be pleased to lay a statement showing:

(a) whether it is a fact that in 1958, earnings from film exports exceeded payments on imports of films;

(b) whether earnings from film exports are increasing or falling as compared to previous years;

(c) which are the countries importing films from this country; and

(d) whether Soviet and East European countries have exported films to India?

The Minister of Information and Broadcasting (Dr. Keskar): (a) Yes, Sir.

(b) The year 1959 registered an increase in earnings from film exports over the previous years.

(c) A statement is placed on the Table of the House. [See Appendix I, annexure No. 1].

(d) U.S.S.R., Czechoslovakia and Poland have been issued import licences for the import of films from their respective countries into India.

Shri Tangamani: From the statement, I find that outright purchase of films from India has been mainly by Ceylon, Malaya and Indonesia. May I know the type of films sent to India, Ceylon and Burma, and in what language?

Dr. Keskar: We do not keep a register of the languages. Figures of film exports are kept in footage and it will not be possible for me to give the information the hon. Member wants, excepting this that certain countries like Malaya and Ceylon import mostly Tamil films.

Shri Sampath: What is the amount of foreign exchange earned through export of films produced in Madras and Bombay respectively?

Dr. Keskar: I have got figures of export to countries concerned, not about the parts of the country from which films have been exported.

Shri Aurobindo Ghosal: May I know if any provision has been made to import raw films as against export of motion pictures?

Dr. Keskar: The countries from which raw film is imported into the country are not necessarily those to which the largest number of films can be exported, and I am not clear whether any such bargain can be struck generally with a number of countries.

Shri Raghunath Singh: What is the position of the export of Indian films to South East Asia and Arab countries?

Dr. Keskar: I have placed a detailed statement regarding every country concerned, on the Table. It is a long list. The hon. Member may look at the list.

Shri Tangamani: The hon. Minister has stated that during 1959, export of films registered an increase as compared to the previous years. May I know whether the import of films from these countries has registered an increase or decrease during this period? If so, what are the actual figures?

Dr. Keskar: Does he refer to all the countries mentioned here?

Shri Tangamani: Total import.

Dr. Keskar: I have not got the figures for import of exposed films.

Shri Bishwanath Roy: Have Government taken any steps to popularise shooting of such films as have got a demand in other countries?

Dr. Keskar: Government are at present trying to increase the export of Indian films to other countries. In connection with that, we are persuading the industry to take steps to produce such films as can find a ready export market in certain countries.

Illegal Forward Trading in Dhal

*19. { **Shri Nagi Reddy:** / **Shri Vasudevan Nair:**

Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Starred Question No. 1142 on the 4th September, 1959 and **state:**

(a) whether the investigation regarding illegal forward trading in Dhal by speculators in Agra has been completed;

(b) if so, what are the findings, and

(c) the action taken by Government?

The Minister of Commerce (Shri Kanungo): (a) and (b). The matter is still under investigation.

(c) Does not arise.

Shri Nagi Reddy: It has been stated that forward trading in Dhal has been prohibited. May I know whether the Committee that is now going into this

question has been asked to find out whether there has been forward trading in Dhal at all in that area or not?

Shri Kanungo: It is not a Committee; it is a police investigation. Forward trading in Dhal was prohibited; the allegation was that such forward trading was being indulged in surreptitiously. The case is being investigated by the police. Investigation has not been completed.

Shri Nagi Reddy: If it is investigation by the police, have Government any idea as to when it will be completed?

Shri Kanungo: We understand that the investigation will be completed in a matter of six weeks.

Shri Nagi Reddy: Are the investigations being continued by the Special Police or by the ordinary police?

Shri Kanungo: By the Delhi police.

Mr. Speaker: By the normal police.

The Question Hour is over.

WRITTEN ANSWERS TO QUESTIONS

Export of Indian Goods to West Germany

*20. **Shri Bishwanath Roy:** Will the Minister of **Commerce and Industry** be pleased to state whether it is a fact that the Government of West Germany decided recently to remove some restrictions on the import of Indian goods in that country?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): India's trade in the goods liberalized recently for import into the Federal Republic of Germany is relatively small and the benefit from the removal of restrictions may not be very large.

It has, however, been agreed that the facilities to be given in regard to imports of certain items of special interest to India will be discussed in the first meeting of the Indo-German Commission set up in accordance with the Protocol signed recently at Bonn.

Documentary Films

*21. **Shri Halder:**
Shri Raghunath Singh:

Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether it is a fact that there is an increasing demand for documentary films for non-commercial purposes in India;

(b) if so, what kind of documentaries are in demand; and

(c) the steps taken by Government in the matter?

The Minister of Information and Broadcasting (Dr. Keskar): (a) Yes, Sir.

(b) All our documentaries are in great demand, more especially those dealing with cultural subjects and Plan projects.

(c) Efforts are being made to increase the number of copies made. Arrangements for lending films free of charge to educational institutions, social organisations etc. are made at the distribution branches of the Films Division and our Publicity Units throughout the country. Over and above this, in view of the increasing demand for our documentaries, it is proposed in the coming Plan to greatly increase our capacity to produce prints of our documentaries.

Import of Cotton from Pakistan

*22. **Shri Parulekar:**
Shri Kodiyan:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether an agreement has been signed with Pakistan from importing cotton from there; and

(b) if so, the details thereof?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) The Limited Payments Agreement signed recently includes cotton as an item for import from Pakistan.

(b) A copy of the Agreement has been placed in the Parliament Library.

Restrictions on foreign Films in Syria

*23. **Shri S. A. Mehdi:**
Shri Raghunath Singh:
Dr. Ram Subhag Singh:
Shri Arjun Singh Bhadauria:

Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether the Syrian Government of the U.A.R. Republic have imposed restrictions on the exhibition of films from foreign countries;

(b) if so, what are they; and

(c) whether it has affected Indian films?

The Minister of Information and Broadcasting (Dr. Keskar): (a) to (c). According to the information available with Government, the Ministry of Culture and National Guidance, Syrian Region, of the United Arab Republic have, in a recent communique, prohibited the import of certain categories of foreign films, of which a copy is placed on the Table of the House. [*See* Appendix I, annexure No. 2]. The prohibition is primarily in the nature of exercising censorship on the import of films irrespective of the country of origin and is not likely to affect Indian films.

Output of Cement

*24. **Shri Daljit Singh:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government have fixed the target for output of cement for the year 1960-61; and

(b) if so, how it compares with the total production of 1959-60?

The Minister of Industry (Shri Manubhai Shah): (a) The total installed capacity of cement industry is likely to go upto about 10 million tons by 1960-61, when total production per year is expected to be of the order of 9 million tons.

(b) Total production of cement during the calendar year 1959 was 6·82 million tons.

Newsprint Factory in U.P.

*25. **Shri Ram Krishan Gupta:**
Shri D. C. Sharma:
Shri S. M. Banerjee:
Shri Jagdish Awasthi:

Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Starred Question No. 790 on the 10th December, 1959 and state the nature of final decision taken for setting up a newsprint factory in Uttar Pradesh?

The Minister of Industry (Shri Manubhai Shah): The scheme is still at a preliminary stage.

Monazite Sand

*26. **Shri P. K. Deo:** Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that monazite sand has been found in the coastal districts of Orissa;

(b) if so, the quantity available; and

(c) how it will be utilised?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a). Yes.

(b) It is premature at present to assess the quantity available as investigations are still in progress.

(c) The monazite will be utilised for extraction of rare-earths, thorium and uranium.

Auction of Indra Market Flats

*27. **Shri P. G. Deb:**
Shri S. A. Mehdi:

Will the Minister of **Rehabilitation and Minority Affairs** be pleased to refer to the reply given to Starred Question No. 1302 on the 9th September, 1959 and state:

(a) whether the residential 3 roomed flats valued at about Rs. 13,000 had been auctioned; and

(b) if so, the total price charged by Government in the auction?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) No.

(b) Does not arise.

Television

*28. **Shri Rameshwar Tantia:**
Shri Abdul Salam:
Shri Shree Narayan Das:

Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether Government have studied the impact of T.V. as a means of spreading education and offering entertainment; and

(b) if so, the result of the study?

The Minister of Information and Broadcasting (Dr. Keskar): (a) and (b). The first impact of T.V. on viewers and Tele-clubs formed under the project, has been examined in a general way but it is too early to come to conclusions. The formulation of a suitable scheme for an assessment of the impact of Television as a means of education and culture is in hand. The utilisation of T.V. as a means of entertainment is not being emphasised in the present scheme.

Trade Agreement with Yugoslavia

*29. **Shri S. A. Mehdi:**
Shri D. C. Sharma:
Shri Ajit Singh Sarhadi:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether a new Trade Pact between Indian and Yugoslavia was signed recently;

(b) if so, the main features of the trade pact; and

(c) the steps taken to export Indian products to Yugoslavia?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) Yes, Sir.

(b) The main features of the agreement are:

(i) The exchange of goods between India and Yugoslavia will as far as possible be on the basis of balanced trade.

(ii) All payments between the two countries will be effected in non-convertible Indian rupees.

(iii) After the expiry of the agreement, the credit balance appearing in the Central Clearing Accounts of Yugoslavia with the Reserve Bank of India will have to be liquidated by delivery of Indian goods or in such manner as may be agreed upon between the two parties.

(c) The conclusion of the fresh trade agreement is itself a concrete step to promote the development of balanced trade between the two countries on a higher level.

Manufacture of Intermediates for Drugs and Dye-stuff Industries

*30. **Shri Ram Krishan Gupta:** Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Unstarred Question No. 1681 on the 18th December, 1959 and state:

(a) whether negotiations with foreign collaborators for finalising the proposal for the manufacture of the intermediates required by the drugs and dye-stuffs industries have since been concluded; and

(b) if so, the result thereof?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). Negotiations have been concluded with the West German Chemical firms and an agreed draft has been prepared which will come into force after approval by the Government of India and the West German firms.

Tyre Factory in New Delhi

*31. **Shri P. G. Deb:**
Dr. Ram Subhag Singh:
Shri Arjun Singh Bhadauria:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that the U.S. Export-Import Bank has approved credit of Rs. 225 crores to help build and finance a rubber tyre factory in New Delhi;

(b) if so, what are its main features; and

(c) to whom the loan has been given?

The Minister of Industry (Shri Manubhai Shah): (a) to (c) The question will be answered by the Minister of Financ e on a subsequent date.

Large Scale Industries in U.P.

1. Shri Vajpayee: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the names of large scale industries that the Central Government have directly set up in Uttar Pradesh during the year 1959;

(b) the total amount of investment in these projects;

(c) whether the State Government has any share in the investment; and

(d) if so, to what extent?

The Minister of Industry (Shri Manubhai Shah): (a) An antibiotics plant with Soviet collaborations is being set up at Hrishikesh in Uttar Pradesh. The plant is likely to go up into production in the middle of the Third Plan.

(b) This will be known when estimates are finalised.

(c) and (d). Nil.

Television for Maintaining Teaching Standards in Delhi

2. Shri Hem Barua: Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether it is a fact that Delhi University authorities are exploring the possibilities of using television in maintaining teaching standards in its affiliated colleges;

(b) whether any scheme has been formulated for it; and

(c) if so, the details thereof?

The Minister of Information and Broadcasting (Dr. Keskar): (a) to (c). Delhi University has not approached the Ministry in this connection so far nor has any scheme been formulated at present.

Small Scale Industries

3. Shri Goray: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that a $94,300 grant for the development of small scale industries in India was announced by the Ford Foundation on the 20th December 1959; and

(b) if so, the details of the industries which are expected to be developed in India from this grant?

The Minister of Industry (Shri Manubhai Shah): (a). Yes, Sir.

(b) This amount is being utilised in connection with the Khanpur Village Project, where an American expert is conducting an experiment for production of electricity by means of bullock-power. If its experiment proves successful it would go a long way forwards supply of power to the far flung villages in India.

Unemployment in Uttar Pradesh

4. **Shri Ramji Verma:** Will the Minister of **Labour and Employment** be pleased to state:

(a) the comparative figures of the registered unemployed during the last six months in Uttar Pradesh;

(b) the number of unemployed graduates, intermediates and matriculates registered during the same period; and

(c) the facilities available for training in technical and vocational subjects to fulfil the needs for skilled personnel and to solve the unemployment problem in that State?

The Deputy Minister of Labour (Shri Abid Ali): (a).

Month 1959	No. of applicant registered during the month
July.	50,695
August	45,639
September . . .	53,147
October	32,564
November . . .	38,056
December . . .	44,693

(b) Monthly figures are not available. Quarterly figures are given below:—

Category	No. of applicants registered during the quarter ended	
	Sept. 59	Dec. 59
1	2	3
Graduates . .	4,606	2,860
Intermediates .	9,423	6,704
Matriculates . .	28,684	19,302
	42,713	28,866

(c) There are 15 Industrial Training Institutes/Centres in the State of Uttar Pradesh for which 672 seats in non-engineering trades and 5,232 seats in engineering trades have been sanctioned under the Training Schemes for Craftsmen of the DGR&E.

श्रम मंत्री सम्मेलन

५. श्री वाजपेयी:
श्री प्र० गं० देव :
श्री स० म० बनर्जी :
श्री अत्तर :
श्री गोरे :
डा० राम सुभग सिंह :

क्या श्रम तथा रोजगार मंत्री ३ तथा ४ जनवरी, १९६० को नई दिल्ली में हुए श्रम मंत्री सम्मेलन की कार्य सूची तथा उसमें किये गये निर्णयों एवं सिफारिशों की एक प्रति सभा पटल पर रखने की कृपा करेंगे ?

श्रम उपमंत्री (श्री आबिद अली) : कार्य सूची तथा मुख्य निर्णयों का एक विवरण सभापटल पर रख दिया गया है । [देखिये परिशिष्ट १, अनुबन्ध संख्या ३]

Social Security Scheme for Industrial Workers

6. **Shri Ram Krishan Gupta:** Will the Minister of **Labour and Employment** be pleased to refer to the reply given to Unstarred Question No. 1427 on the 15th December, 1959 and state:

(a) whether Government have examined the Report of the Study Group appointed to formulate a comprehensive social security scheme for industrial workers; and

(b) if so, the decision taken thereon?

The Deputy Minister of Labour (Shri Abid Ali): (a) and (b). Replies from all the organisations concerned have not yet been received. No decisions have yet been taken.

Employment Pattern Survey

7. **Shri Ram Krishan Gupta:** Will the Minister of **Labour and Employment** be pleased to refer to the reply given to Unstarred Question No. 1239 on the 10th December, 1959 and state:

(a) whether the Employment Pattern Survey conducted by the Delhi University in collaboration with the

Ministry of Labour and Employment and Planning Commission has since been completed; and

(b) if so, what are their findings?

The Deputy Minister of Labour (Shri Abid Ali): (a) No.

(b) Does not arise.

तिब्बती शरणार्थी

८. **श्री भक्त दर्शन :**
श्री बी० चं० शर्मा :
श्री रामेश्वर टांटिया :

क्या प्रधान मंत्री २४ नवम्बर, १९५९ के तारांकित प्रश्न संख्या २६१ के उत्तर के सम्बन्ध में एक ऐसा विवरण सभा पटल पर रखने की कृपा करेंगे कि जिस में निम्न जानकारी दी गई हो :

(क) १ नवम्बर, १९५९ के बाद कुल कितने नये तिब्बती शरणार्थियों ने भारत में प्रवेश किया ;

(ख) उत्तरी सीमा के किन-किन दरों से वे भारत में प्रविष्ट हुए ;

(ग) प्रत्येक दरे से कितनी-कितनी संख्या में वे आये ;

(घ) उन्हें किन स्थानों पर बसाया गया है; और

(ङ) उन्हें सहायता देने पर सरकार का व गैर-सरकारी संस्थाओं का कुल कितना धन व्यय हो चुका है ?

प्रधान मंत्री तथा वैदेशिक-कार्य मंत्री (श्री जवाहरलाल नेहरू) : (क) से (ङ). आवश्यक सूचना का ब्योरा सदन की मेज पर रख दिया गया है [देखिये परिशिष्ट १, अनुबन्ध संख्या ४]

Code of Discipline

9. **Dr. Ram Subhag Singh:**
Shri P. G. Deb:

Will the Minister of **Labour and Employment** be pleased to state:

(a) what was the position regarding working of Code of Discipline in different industries during the year 1959 as a whole; and

(b) how many man-days were lost in each industry during the year, 1959?

The Deputy Minister of Labour (Shri Abid Ali): (a) A statement is laid on the Table of the Sabha. [*See* Appendix I, annexure No. 5.].

(b) An industry-wise statement showing provisional figures for January—November, 1959 is laid on the Table of the Sabha. [*See* Appendix I, annexure No. 6]. Complete figures for December, 1959 are not yet available.

Indian Trade Delegation to West European Countries

10. **Shri P. G. Deb:**
Shri D. C. Sharma:
Shri Damani:
Shrimati Ila Palchoudhuri:
Dr. Ram Subhag Singh:
Shri Ajit Singh Sarhadi:

Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Starred Question No. 491 on the 2nd December, 1959 and state:

(a) whether the report of the Indian Trade Delegation to West European Countries has been received by now;

(b) if so, the decisions taken by the Government thereon; and

(c) whether a copy of the report will be laid on the Table?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) The Delegation's formal report is being finalized and is expected to be submitted to Government shortly.

(b) and (c). Do not arise at this stage.

Violation of Air Space on Goa Border

11. Shri Ram Krishan Gupta: Will the **Prime Minister** be pleased to refer

to the reply given to Unstarred Question No. 1039 on the 7th December, 1959 and state:

(a) whether Government have studied the complex features regarding the violation of air space on Goa border; and

(b) if so, the result thereof?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) and (b). The matter is still under examination.

Export of Tobacco Seed Oil

12. Shri Ram Krishna Reddy: Will the Minister of **Commerce and Industry** be pleased to state:

(a) how much of tobacco seed oil is exported annually;

(b) the names of the countries to which it is exported;

(c) the foreign exchange earned thereby; and

(d) whether the use of tobacco seed oil as a new source material for production of vanaspati and its suitability for consumption will be considered by Government?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) and (c). The quantity of tobacco seed oil exported and the foreign exchange earned during the last three years were as follows:—

Year	Qty. Cwts.	Value Lakhs of Rs.
1957 . .	19,000	13·2
1958 . .	34,000	16·7
1959 (Jan.-Nov.)	5,000	3·6

(b) U.K., Italy, Australia and France.

(d) It is not proposed to permit the use of tobacco seed oil in the manufacture of vanaspati.

Government of India Forms Press, Aligarh

13. Shri Tangamani: Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether the workers of the C.P.W.D. employed in the Government of India Forms Press, Aligarh (both regular and work-charged) are governed by the Factories Act, 1948;

(b) if so, the number of workers according to each category of posts; and

(c) if the reply to part (a) above be in the negative, the reasons therefor?

The Minister of Works, Housing and Supply (Shri K. C. Reddy): (a) Yes.

(b) *Regular*

1. Electrician . .	2
2. Engine Driver . .	2
3. Switch Board Attendant	1
4. Fitter . . .	1
5. Mechanic . . .	1
6. Cleaner . . .	5
	12

Work charged

1. Pump Driver . .	1
2. Wireman Grade II .	3
3. Armature Winder Grade II	1
4. Khallasis . . .	4
5. Cleaner . . .	1
	10

(c) Does not arise.

Population Problem

14. Shri Rameshwar Tantia: Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that the Central Statistical Organisation has studied the population problem of the country; and

(b) if so, the results of the study?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) Yes; a small expert committee set up by the Planning Commission's Working Group on Vital and Health Statistics went into the question of providing a uniform set of estimates of population and prepared estimates of all-India population upto 1966 by States, sex and broad age-groups. The Central Statistical Organisation was closely associated with the work of this expert committee. For the purpose of long-term planning, the Central Statistical Organisation also extended the projections upto 1971.

(b) The results are published by the Central Statistical Organisation in the December, 1959, issue of the "Monthly Abstract of Statistics", copies of which are available in the Parliament Library.

Radio Rural Forums in Madras State

15. Shri Subbiah Ambalam: Will the Minister of **Information and Broadcasting** be pleased to refer to the reply given to Starred Question No. 515 on the 2nd December, 1959 and state:

(a) the number of Radio Rural Forums or Clubs formed in the Community Development Blocks in Madras State after the launching of the scheme of Radio Broadcasts on Agriculture; and

(b) the number of enquiries received from each of these Forums by the A.I.R. Stations in Madras State?

The Minister of Information and Broadcasting (Dr. Keskar): (a) Radio Rural Forums have not so far been formed in Madras State but the State Government are finalising arrangements for the start of the Farm Forums which are expected to start shortly.

(b) Does not arise.

Development of Khadi in Manipur and Tripura

16. Shri Pangarkar: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of centres working in Manipur and Tripura for the development of Khadi; and

(b) the names of articles that are manufactured in these centres?

The Minister of Industry (Shri Manubhai Shah): (a) There are 36 Khadi centres in Tripura and 3 in Manipur.

(b) the articles produced are Shirtings, Dhoties, Sarees, Pachra, Chaddars, Towels and Coating.

Unemployed Persons in Orissa

17. Shri Chintamani Panigrahi: Will the Minister of **Labour and Employment** be pleased to state:

(a) the figures of the registered unemployed persons during the period from November, 1959 to January 1960 in Orissa;

(b) the number of unemployed graduates, intermediates and matriculates registered during the same period; and

(c) the names of the six Industrial Training Institutes which provide training for craftsmen in various trades?

The Deputy Minister of Labour (Shri Abid Ali): (a) 9,917 during November-December, 1959. Figures for January, 1960 are not yet available.

(b) The number registered during January, 1960 is not available. Registrations during October to December, 1959 are, however, given below:—

Graduates	395
Intermediates	239
Matriculates	2,333
TOTAL:	2,967

(c) The following are the six Industrial Training Institutes:

1. Industrial Training Centre, Orissa School of Engineering, Cuttack,

2. Industrial Training Centre, Poor Cottage Industries Corporation, Cuttack,
3. Industrial Training Institute, Rourkela,
4. Industrial Training Institute, Hirakud,
5. Industrial Training Institute, Behrampur, and
6. Industrial Training Institute, Balasore.

Radioactive Minerals in Orissa

18. Shri Chintamoni Panigrahi: Will the **Prime Minister** be pleased to state:

(a) whether deposits of radioactive minerals have been found in Orissa;

(b) whether surveys have been carried out in any part of Orissa so far for locating radioactive minerals; and

(c) if so, with what results?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) and (b). Yes.

(c) The surveys so far carried out have shown that only the beach and dune sands in certain parts of the coastal tract of Orissa and occasionally a few pegmatites in the hinterland are significantly radio-active. The radioactivity is due mainly to thorium bearing minerals. Investigations are still continuing.

Return of Ladakhi Indians from Tibet

19. Shri P. G. Deb: Will the **Prime Minister** be pleased to state:

(a) how many Ladakhi Indian nationals have come back to India from Tibet since the 23rd January, 1959; and

(b) where they have been rehabilitated?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) 103.

(b) They have gone to their homes in Ladakh. The expenses of their journey have been borne by the Government of India.

Refugee Camps in West Bengal

20. Shri Aurobindo Ghosal: Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state:

(a) whether any census of birth rate and death rate in the camp population of the West Bengal refugees has been taken; and

(b) if so, what are the birth and death rates of 1957, 1958 and 1959?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) and (b). A statement is given below:

STATEMENT

Certain statistics, including the number of births and deaths, are collected by the West Bengal Government in respect of displaced persons in camps in the State. The following are the figures of the annual birth and death rates per thousand persons for the last three years:

Year	Average camp population during the year (Persons)	Total births during the year (Persons)	Birth rate per thousand	Total deaths during the year (Persons)	Death rate per thousand
1957	2,14,420	4,585	21·3	3,024	14·1
1958	1,93,730	6,169	31·8	2,084	10·7
1959	1,57,727	5,753	36·4	1,815	11·5

Commonwealth Broadcasting Conference

21. Shri S. A. Mehdi: Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether a Commonwealth Broadcasting Conference was held in New Delhi in January, 1960; and

(b) if so, what was the attitude of the Indian delegation to the various issues discussed?

The Minister of Information and Broadcasting (Dr. Keskar): (a) Yes Sir. The Conference was inaugurated on January 22 and will be over on February 11, 1960.

(b) The Conference which is still continuing is mostly concerned with the exchange of technical and professional views and information in which the question of adopting an attitude does not arise.

Ceiling Fans in Government Quarters

22. Shri Ram Garib: Will the Minister of **Works, Housing and Supply** be pleased to refer to the reply given to Unstarred Question No. 1062 on the 7th December, 1959 and state:

(a) whether a decision has since been taken to provide a second ceiling fan in the 'F' and 'G' type Government quarters in Delhi; and

(b) if so, the nature of decision taken?

The Minister of Works Housing and Supply (Shri K. C. Reddy): (a) The matter is still under consideration.

(b) does not arise.

Out-of-turn Allotment of Government Accommodation

23. Shri Ram Garib: Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) how many applications for out-of-turn allotment have been received by Government during the year 1959;

(b) how many have been accepted and rejected;

(c) how many of the approved cases have been allotted Government accommodation up-to-date;

(d) whether it is a fact that in some cases allotments have not been made for the last 8 months or so; and

(e) if so, the number of such cases?

The Minister of Works, Housing and Supply (Shri K. C. Reddy): (a) 2,392.

(b) 1,028 applications have been accepted and 1,364 rejected.

(c) 1,077 allotments were made in the year 1959, 605 against sanctions accorded during 1959 and the balance of 472 against earlier sanctions.

(d) Yes.

(e) 241. 149 against sanctions accorded in the year 1959 and the remaining 92 against earlier sanctions.

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12 hrs.

RE: MOTION FOR ADJOURNMENT

Mr. Speaker: Papers to be laid on the Table, Shri Kanungo.

Shri Khadilkar (Ahmednagar): Sir, may I point out that I gave notice of an adjournment motion?

Mr. Speaker: Order, order. I am not going to allow the adjournment motion.

Shri Khadilkar: Sir, I have got an explanation to make.

Mr. Speaker: I would not hear it here.

Shri Khadilkar: Sir, the ground given for the rejection is not correct. It is not a State subject. I am just explaining.

Mr. Speaker: The hon. Member will kindly resume his seat. I said that I have disallowed the adjournment motion. I am not going to allow that matter to be raised on the floor of

[Mr. Speaker]
the House. Otherwise, there is no meaning in it.

Hon. Members will have to be satisfied with my decision. (*Interruption*). Order please. Hon. Members must be satisfied with my decision. No hon. Member has got the right to question my decision here. I have repeatedly said that if they want to convince me to take a different view it is open to them to write to me or see me and that I will bring it the next day if I am convinced. I am not going to allow hon. Members whose adjournment motions have been disallowed to raise the matter on the floor of the House in some form or other. I am not going to allow that. If hon. Members persist I will have to ask them to keep out of the House. (*Interruptions*). Order, order.

Shri Khadilkar: Sir.....

Shri Nath Pai (Rajapur): On a point of order, Sir.

Shri Khadilkar: I have to raise the question of the ground, Sir. It is not correctly stated. I do not want to raise the other matter.....

Mr. Speaker: Hon. Member, Shri Khadilkar will kindly keep out of the House, for the rest of the day. I am not going to allow this kind of interruption. I have repeatedly said so. We are converting this House from Parliament to something else. I am really sorry. I am not going to allow this kind of interruption. Hon. Members must resume their seats when I am on my legs. I have repeatedly said that if any hon. Member is not satisfied he may write to me. There is no hurry. I will take it up tomorrow. Any hon. Member may convince me. No hon. Member has got the right to flout my decision here and question it on the floor of the House. If the hon. Member still persists in disturbing, I will have, unfortunately, to ask him to keep out of the House and carry on the proceedings in this House.

Shri Kanungo.

12.03 hrs.

PAPERS LAID ON THE TABLE

Notifications issued under Companies Act, Essential Commodities Act and Industries (Development and Regulation) Act.

The Minister of Commerce (Shri Kanungo): Sir, I beg to lay on the Table a copy of each of the following Notifications:

(i) Notification No. G.S.R. 1408, dated the 26th December, 1959, under sub-section (3) of Section 641 of the Companies Act, 1956.

(ii) Notification No. S.O. 2831, dated the 26th December, 1959 making certain further amendments to the Cotton Textiles (Production by Handloom) Control Order, 1956, under sub-section (6) of Section 3 of the Essential Commodities Act, 1955.

(iii) A copy of each of the following Notifications issued under Section 15 of the Industries (Development and Regulation) Act, 1951:

(a) S.O. No. 2800, dated the 21st December, 1959.

(b) S.O. No. 2858, dated the 24th December, 1959.

[*Placed in Library, See No. LT-1863/60*].

2.04 hrs.

RE: MOTION FOR ADJOURNMENT—*contd.*

Shri Nath Pai: On a point of order, Sir.

Shri Khadilkar: It is the question of the ground, Sir....

Mr. Speaker: There is no point of order.

Shri Nath Pai: Cannot an hon. Member of the House raise a point of order, Sir? Unless you have heard me how can you say that it is not a point of order, Sir?

Mr. Speaker: There cannot be a point of order in vacuum. I have disallowed the adjournment motion. I cannot allow hon. Members to raise a point of order on the order that has been passed by me. It is over. I have passed on to some other matter. There is no matter on which a point of order can be raised. There is no use arguing. I have repeatedly said that.

Shri Nath Pai: Sir....

Mr. Speaker: Unfortunately, I will have to take action against hon. Members who persistently try to interrupt me.

Shri Braj Raj Singh (Firozabad): May I speak a word on this matter. Sir?

Mr. Speaker, Order, order.

Shri Nath Pai: I am not disturbing you; I am not flouting your authority, Sir.

Mr. Speaker: I am going to ask Shri Nath Pai to keep out of the House for the day. He will kindly keep out of the House.

Shri Nath Pai: I will obey you, Sir. But,....

Mr. Speaker: I am not going to allow this. There is no point of order.

Shri Nath Pai: The point of order does arise out of your ruling, Sir.

Mr. Speaker: There is no point of order arising out of a ruling. Order, order.

Shri Nath Pai: I am not flouting your authority; but you are not giving us any kind of reasonable chance. We are Members and you are our Speaker; and we....

Mr. Speaker: I now rule that Shri Nath Pai be kept out of the House for the rest of the day.

Shri Nath Pai: You do not allow us to act as Members of the House; and it is better to keep out of the House than not being allowed to act as a Member of the House.

Shri Hem Barua: Sir, we are Members of the Parliament and....

Mr. Speaker: Shri Nath Pai will keep out of the House.

Shri Hem Barua (Gauhati): Sir,.... (*Interruptions*).

Shri Jadhav (Malegaon): The point of order is, it is a question of a linguistic minority....

Mr. Speaker: I am not going to allow this.

Shri Jadhav: Sir, It is a question of linguistic minority. It is not a State subject; it intrudes into the field of Parliament.

Shri Hem Barua: Sir.... (*Interruptions*).

Mr. Speaker: Shri Hem Barua will kindly keep out of the House. I am not going to tolerate this kind of interference.

Shri Jadhav: On a point of order, Sir.

Mr. Speaker: This hon. Member also will keep out of the House for the day. Marshal, please see that this hon. Member goes out of the House.

(The Marshal then proceeded towards the hon. Member).

Shri Hem Barua: This is too much, sir. (*Interruptions*).

Mr. Speaker: I am not going to allow this kind of disturbance here.

Shri Hem Barua: It is too much Sir because we are bowing to your ruling and preparing; but you are sending the Marshal.

Mr. Speaker: Hon. Members whomsoever I have asked to keep out of the House will kindly do so.

Shri Hem Barua: You are going too far, Sir.

Mr. Speaker I know how to keep order in this House.

Shri Nath Pai: We are not going to remain in the House. We are obeying your orders. (*Interruption*). But I would not withdraw under threat of the Marshal. He must go back.

Shri Hem Barua: The Marshal should go back. It is making cheap use of the Marshal.

12.08 hrs.

(*At this stage Shri Nath Pai, Shri Hem Barua, Shri Kadilkar and Shri Jadhav left the House*).

Shri P. N. Singh (Chandauli): Sir, we want to raise the question of firing at Rihand because the Centre has jurisdiction over the Rihand Dam. So far as that question is concerned it is not a State matter; it is a Central matter.

Mr. Speaker: Order, order; order please.

Shri P. N. Singh: We want to put before tthe House what the situation there is. Sir, one Sardar Bacchan Singh has come from Punjab....

Mr. Speaker: This hon. Member also will keep out of the House. (*Interruptions*).

Several Hon. Members *rose*—

Shri P. N. Singh: We will not tolerate these things....

Mr. Speaker: Order, order.

Shri S. M. Banerjee (Kanpur): Sir, you should protect us. (*Interruptions*).

Mr. Speaker: I am afraid some of the hon. Members have an attitude of defiance in this House. I am really sorry. (*Interruptions*). Order, order The Speaker has to come to some decision. This kind of defiance should not grow. I have repeatedly said that if an hon. Member is not satisfied with my ruling he can write to me or come to me. It is open to him to make representations to me. If I am convinced I will bring it before the House the next day. As far as this matter is concerned, I have told Shri Khadilkar that I am disallowing this.

12.10 hrs.

(*At this stage Shri P. N. Singh left the House*).

I am not going to allow it to be raised again. He wants to raise it here. This is a definite flouting of the principles of democracy and the authority of the House. I feel that a few hon. Members want to see that no work proceeds in this House; they want to brow-beat the Speaker. I am not going to be cowed down. If the hon. Members want to see that democracy does not flourish, they may have their own way. In that case, I know also how to keep order in this House. If they want to behave orderly, I will allow every reasonable opportunity to do so. They can come and discuss with me today or write to me and if I am satisfied I will bring it up tomorrow, I am alive to what is happening in the country and I am equally reading all the newspapers. Therefore, I am entitled to have my opinion and if hon. Members think my opinion has to be changed, there is a method which have prescribed and I am not going to allow every hon. Member to raise here again and again. Hon. Members will kindly remember this and not create disturbance here. It is neither in their interest nor in the interest of this House.... (*Interruptions*).

श्री जगदीश अवस्थी (बिल्हौर): अध्यक्ष महोदय मैं

Mr. Speaker: I will have to ask the hon. Member to keep out of the House. If he does not go and persists in doing like this, I have no other method than to send him away. (*Interruptions*). Order, order. The hon. Member may kindly keep out of the House. I have repeatedly seen, that he is disturbing this House. He is the one hon. Member who does not care for the ruling of the Chair however much I may insist. It is not only for one day. I will have to request him to keep out of the House for seven days if the House concurs with me.

Some Hon. Members: Yes.

Mr. Speaker: I named the hon. Member..... (*Interruptions*). He shall not be in the House for a period of seven days.... (*Interruptions*).

Shri Braj Raj Singh: This is not the procedure.... (*Interruptions*).

Mr. Speaker: Hon. Members may advise him to apologise and not to withdraw.

12.12 hrs.

(*Shri Jagdish Awasthi then withdrew from the House*).

Shri Nagi Reddy (Anantapur): You have given a ruling and you are trying to ask him to go out for seven days; it is something improper.... (*Interruptions*).

Mr. Speaker: Absolutely not.

Shri Nagi Reddy: We see the way in which the hon. Members on the other side begin thundering and clapping on every such occasion and this is naturally a provocation and that is what has been happening here. I think you should be able to control the other side as much as this side.

Secondly, when an hon. Member raises a point of order, I think it is very necessary for the Speaker to hear it when it is not a question of the adjournment motion, provided they are speaking on a point of order. Shri Nath Pai wants to raise something else and it is better for the Speaker to hear what he was going to say and then give a ruling. That is a provocation....

Mr. Speaker: No, no. Shri Manubhai Shah.

12.14 hrs.

PAPERS LAID ON THE TABLE—*contd.*

NOTIFICATIONS ISSUED UNDER KHADI AND VILLAGE INDUSTRIES ACT, INDUSTRIES (DEVELOPMENT AND REGULATION) ACT AND ESSENTIAL COMMODITIES ACT.

The Minister of Industry (Shri Manubhai Shah): I beg to re-lay on the Table a copy of each of the following Notifications making certain further amendments to the Khadi and Village Industries Commission Rules, 1957, under sub-section (3) of Section 26 of the Khadi and Village Industries Commission Act, 1956:—

(a) G.S.R. No. 1007 dated the 5th September, 1959.

(b) G.S.R. No. 1165 dated the 24th October, 1959.

(c) G.S.R. No. 1198 dated the 31st October, 1959. [*Placed in Library, See* No. LT-1706/59].

I beg to lay on the Table a Copy of Notification No. G.S.R. 386 dated the 17th May, 1958 making certain amendments to the Registration and Licensing of Industrial Undertakings Rules, 1952, under sub-section (4) of Section 30 of the Industries (Development and Regulation) Act, 1951. [*Placed in Library, See* No. LT-1864/60].

I beg to lay on the Table, a copy of Notification No. G.S.R. 62 dated the 16th January, 1960 making certain amendment to the Salt (Reserve Stock) Order, 1955, under sub-section (6) of Section 3 of the Essential Commodities Act, 1955. [*Placed in Library, See* No. LT-1865/60].

I beg to lay on the Table a copy of Notification No. S.O. 71 dated the 9th January, 1960 under sub-section (2) of Section 3 of the Khadi and Village Industries Commission Act, 1956. [*Placed in Library, See* No. LT-1866/60].

श्री यादव (बाराबंकी) : अध्यक्ष महोदय, मैं प्रोटेस्ट के तौर पर बाहर जा रहा हूं ।

12.15 hrs.

(*Shri Yadav left the House*)

Shri Rajendra Singh (Chapra): Sir, I am also going out in protest.

12.15 hrs.

(Shri Rajendra Singh left the House)

MAIN CONCLUSIONS OF INDUSTRIAL COMMITTEE ON JUTE

The Deputy Minister of Labour (Shri Abid Ali): I beg to lay on the Table a copy of statement of main conclusions of the Second Session of the Industrial Committee on jute held in Calcutta on the 11th December, 1959. [*See* Appendix I, annexure No. 7].

STATEMENT RE: REPAIRS TO HOIST CHAMBER OF BHAKRA DAM

The Deputy Minister of Irrigation and Power (Shri Hathi): I beg to lay on the Table a copy of Statement regarding the repairs to the Hoist Chamber of Bhakra Dam. [*See* Appendix I, annexure No. 8].

STANDARDS OF WEIGHTS AND MEASURES (CONVERSION OF RAILWAY MILEAGE) RULES.

The Minister of Commerce and Industry (Shri Satish Chandra): I beg to relay on the Table, under sub-section (3) of Section 17 of the Standards of Weights and Measures Act, 1956, a copy of the Standards of Weights and Measures (Conversion of Railway Mileage) Rules, 1959, published in Notification No. S.O. 2665, dated the 5th December, 1959. [*Placed in Library, See* No. LT-1813/59.]

CORRECTION OF REPLY TO STARRED QUESTION NO. 875

Shri Satish Chandra: I beg to lay on the Table a copy of Statement in supersession of Statement II laid on the 15th December, 1959 in reply to Starred Question No. 875 by Sarvashri Prakash Vir Shastri, Radheshyam Ramkumar Morarka and Hem Raj regarding Trade with China. [*See* Appendix I, annexure No. 9].

AMENDMENTS TO DISPLACED PERSONS (COMPENSATION AND REHABILITATION) RULES.

The Deputy Minister of Rehabilitation (Shri P. S. Naskar): I beg to relay on the Table, under sub-section (3) of Section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, a copy of Notification No. G.S.R. 1249 dated the 14th November, 1959 making certain further amendments to the Displaced Persons (Compensation and Rehabilitation) Rules, 1955. [*Placed in Library, See* No. LT-1756/59].

I beg to lay on the Table under sub-section (3) of Section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, a copy of Notification No. G.S.R. 122 dated the 30th January, 1960 making certain further amendments to the Displaced Persons (Compensation and Rehabilitation) Rules, 1955. [*Placed in Library, See* No. LT-1870/60].

12.18 hrs.

QUESTION OF PRIVILEGE

PUBLICATION OF EXPUNGED PROCEEDINGS OF LOK SABHA BY FREE PRESS JOURNAL, BOMBAY.

Mr. Speaker: On the 21st December, 1959, Shri Surendranath Dwivedy had sought to raise a question of privilege regarding publication in the *Free Press Journal*, Bombay, dated the 17th December, 1959, of a portion of the proceedings of the House dated the 16th December, 1959, which had been expunged by me. I had then informed the House that the Editor of the *Free Press Journal* had been asked by a letter to explain the matter. The Editor of the *Free Press Journal* has since expressed unconditional apology for the oversight in a letter dated the 21st December, 1959, which reached me on the 23rd December, 1959 that is after the House had adjourned *sine die* and was therefore published in Bulletin Part II dated the 23rd December, 1959.

In view of this unconditional apology the matter may be closed.

Is it the desire of the House?

Some Hon. Members: Yes.

Shri Vajpayee (Balrampur): Sir, may I make a submission? There should be a definite procedure laid down in these matters about the portions expunged by you. All the members of the Press were not informed. Only the P.T.I. was given the news and so many of the correspondents were in the dark. There should be a definite procedure.

Mr. Speaker: Yes.

Shri Mahanty (Dhenkanal): May I say something in connection with another matter which is of grave importance to this House? I am in your hands and I will make a submission only if you permit me.

Mr. Speaker: He may write to me and I will bring it up tomorrow. Let us not interrupt the proceedings.

Shri Mahanty: I have no objection, Sir. But we have to run a Secretariat if we have to write. We have no Secretariat.

Mr. Speaker: I will allow a stenographer for him. Now, the hon. Prime Minister.

12.19 hrs.

STATEMENT *RE*: INDO-WEST PAKISTAN BORDER CONFERENCE

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Sir, the statement that I intend making is about the results of the Minister-level Indo-West Pakistan Border Conference. It is rather longish. May I lay it on the Table?

Mr. Speaker: It may be laid on the Table.

Shri Jawaharlal Nehru: Sir, I beg to lay it on the Table. *[Placed in Library, See* No. LT-1871/60].

Mr. Speaker: I shall circulate copies of that.

Shri Jawaharlal Nehru: It has, I believe, appeared in the papers.

Mr. Speaker: Completely?

Shri Jawaharlal Nehru: I think so but not in these words.

Mr. Speaker: If it is possible, I will circulate it to the hon. Members. Or, the hon. Members can take copies from the Notice Office.

Shri Amjad Ali (Dhubri): Would it matter very much a summary only of this is given orally by the Prime Minister.

Shri Jawaharlal Nehru: It has appeared in the papers. Yet, I shall read out the operative parts and leave out the rest.

The Conference arrived at mutually agreed interpretations of the Radcliffe Award in respect of four disputes on the Punjab (India)—West Pakistan border. These are:

(a) *Area of the Hussainiwala Headworks*:

It was agreed that the Indo-Pakistan boundary in this area should be the pre-partition boundary between Ferozepur and Lahore districts.

(b) *Area of the Suleimanke Headworks*:

It was agreed that an adjustment should be made in the pre-partition boundary of Ferozepur and Montgomery districts, in consideration of the fact that the Headworks had been awarded by Sir Cyril Radcliffe to Pakistan. Measures for mutual cooperation in the maintenance of the Left Marginal Bund were also agreed to.

(c) *Chak Ladheke*:

The Government of Pakistan dropped their claim to this area.

[Shri Jawaharlal Nehru]

(d) *The village of Theh Sarja Marja, Rakh Hardit Singh and Pathanke*:

The Government of India dropped their claim to these villages.

These are the agreements arrived at.

As regards the dispute raised by Pakistan in respect of Kutch (India) —Sind (Pakistan) boundary, it was agreed that both Governments would collect additional data and hold further discussions at a later date.

It was also agreed that ground demarcation operations on some 70 miles of the Punjab (India)—West Pakistan border, which yet remain undemarcated, should be completed by the end of April, 1960, and that return of all areas in adverse possession of either Government in this sector should be completed by 15th October 1960.

This is really the substantial part. The rest is all about who attended and all that.

12.21 hrs.

STATEMENT *RE*: INDO-PAKISTAN FINANCIAL TALKS

The Minister of Finance (Shri Morarji Desai): Sir, with your permission I propose to make a brief statement on the recent talks between the officials of the two Governments on the financial issues outstanding between India and Pakistan. In the statement made by me on the 18th December last, I had indicated that a further meeting would be held towards the close of the month to clear up a few items relating mainly to the balance sheet of the Central Government. The officials of the two Governments accordingly met for four days at Delhi and concluded their discussions on the 3rd January, 1960. This completed the rounds of official level talks for the evaluation of the assets and liabilities of the undivided Central Government and divided Provinces and their allocation between the two Governments on the lines settled at the time of partition. It was possible to arrive at an agreement on the data relating to most of the items. However, a few items which needed further consideration were felt over for discussion at the time of the meeting between the two Ministers. The programme for this meeting will be settled in consultation with the Finance Minister of Pakistan. As I stressed in my earlier statement, these discussions between the officials of the two countries are mainly of a fact finding nature. The Hon'ble Members will, therefore, appreciate that it will not be appropriate for me at this stage to indicate the details of these talks until the Ministers have had an opportunity of considering the matter and the whole position is thereafter reviewed by the respective Governments. It is my earnest hope that with good-will on both sides, it would be possible to arrive at a satisfactory settlement on these issues in the near future.

12.22 hrs.

RE: MOTIONS FOR ADJOURNMENT—*contd.*

Shri Jaipal Singh (Ranchi West-Reserved-Sch. Tribes): Sir, before you proceed with further business I have a humble request to make. I would request you to call all leaders of the various groups including the hon. Minister of Parliamentary Affairs so that we may have a clear understanding of what a vacuum is, when it is created and when it is not created. I think it would be of help for future conduct of business if we are all clear in our mind about it. I am very confused about it. I have to assist you as a colleague on the panel of Chairmen. If we our-

selves are confused it would not be very happy.

Shri Braj Raj Singh: Sir, with respect to the admission of adjournment motions you were pleased in the last session to frame certain points. You also promised that you would be calling the representatives of various groups for discussing the matter with them. I am sorry to note that such a discussion never took place. Such a discussion has not so far taken place. May I request you, therefore, to call the representatives of various groups, discuss the matter with them and then arrive at certain conclusions with respect to admission of adjournment motions?

Mr. Speaker: With respect to adjournment motions, it is true that when some points were raised I said that I had already noted down those points and if the leaders of various groups will kindly write to me I will call for a meeting. Only Shri Mahanty sent some suggestions. No representative of any other group wrote to me. I, therefore, sent for Shri Mahanty. We could not find time. Shri Mahanty then said that we may meet after the session commenced. I am going to send for Shri Mahanty.

Hon. Members merely raise it here. I have already given my ruling. If they take exception to any particular thing or they want to modify a particular thing, they may write to me. We can then have some agenda before us instead of having a merely general discussion. Not one hon. Member has sent me a representation regarding those matters which are in print. Therefore, I will only send for Shri Mahanty who has been taking interest in it. It is not that I do not want to invite other hon. Members if they have got any suggestions. I have no objection to call them. It is open to them to send in their suggestions within a week. I shall then call a meeting of those persons who are interested in it.

Regarding the point raised by Shri Jaipal Singh, on a prior occasion when this matter came up, whether any point of order can be raised in a vacuum, I have given a very detailed ruling. It is embodied in the Rule itself. If still he has any doubts I have no objection to discuss it with him. If even after that discussion the Business Advisory Committee or any other Committee has got to be asked to go into the matter, we will do so. Let us be clear about this matter. I thought it was already clear.

12.24 hrs.

GENEVA CONVENTIONS BILL

The Minister of Defence (Shri Krishna Menon): Mr. Speaker, Sir, I beg to move:

> "That the Bill to enable effect to be given to certain international Conventions done at Geneva on the twelfth day of August, 1949, to which India is a party, and for purposes connected therewith, be taken into consideration."

This Bill consists of 20 clauses and 4 Schedules. The 4 Schedules are the Conventions that were done at Geneva on this date in August, 1949. The House will, no doubt, consider these clauses of the Bill in detail later, but the purpose of this is that our Municipal Law should have the authority to implement the purposes of the Conventions which our Government would have to have undertaken to honour.

It is not inappropriate to go a little into the background of this matter, particularly for two reasons. First of all, all these Conventions are based upon humanitarian principles. While it is true they have become elaborate in this form today especially after

[Shri Krishna Menon]

the formulation of the Declaration of Human Rights by the United Nations, it has a long history. But before one traces that history it is necessary to differentiate between two matters. There are agreements between nations and, perhaps, agreements which have the character of law which deal with the conduct of war. This Bill does not deal with that aspect of things. It does not deal with conduct of war, but it deals with conditions, humanitarian conditions that must be observed if there are hostilities. In this matter, Sir, I think it is only appropriate that this House should pay tribute to the International Red Cross which is responsible for these Conventions for over a hundred years.

Somewhere about 1860 a Swiss gentleman expressed two wishes: one was that a public society should be formed to take care of the wounded in war, and, secondly, that governments should give recognition to that society. The next year, in 1863, I believe, the nucleus of the International Red Cross was founded and in 1864 emerged the first Convention relating to this matter. Mr. Speaker, Sir, it will also be remembered 1864 is about the proximity of the period when after the great Neopoleonic wars and the attempts to create peace in the world beginning with the Congress of Vienna—further wars broke out—and the emergence of the Peace of Westphalia which is regarded as one of the landmarks in the history of peace developments. 1864 thus marks the beginning of a series of Conventions which have been amended afterwards. Other Conventions have come in afterwards, notably the Hague Conventions of 1907, 1929 and the Convention of 1939.

This Bill consists in its Schedule of 4 Conventions dealing with four separate but related matters. One deals with the treatment of those who are wounded and so on on land of the Armed Forces. The other deals with the treatment of those who are ship-wrecked at sea and who are to be treated in that way. The third and the most important of these Conventions is relating to the prisoners of war. But, as I said in my earlier observations, perhaps the fourth Convention is the most important from the point of view of the development of human civilisation because it deals in this matter, for the first time, with the treatment of the civilian population in the consequences arising from war.

Mr. Speaker, it may be well asked why, when these Conventions were ratified by the Government and in our system the ratification rests with the President, this matter should have been brought before the House. It is because, as I said, our Municipal Law requires powers in order to implement them. There are certain rule making powers sought to be taken in this Bill. The Bill also seeks to confer upon our courts certain powers in regard to offences committed in violation of this Bill. The Convention, soon after the war and after the trials of Nuremberg and all the publicity of the atrocities that it received and the newer conditions of war of 1939, was responsible for creating degree of public opinion for the immediate formulation of these Conventions. But it must be said in fairness to those who have been promoting these matters that there was a proposal to hold a conference in 1940 in order to further the purposes of the Conventions of 1939 and to bring it to the present stage. Then the war intervened and the whole thing was suspended.

In 1949 three sets of people met in Geneva. One set of people were those who were deeply affected by the atrocities of the war. The others were those who were neutral nations and who did not participate in the war. The third set of people were other nations like ourselves who as states participated in the war but who brought to bear an objective view on it. So from 1946 onwards the

International Red Cross convened various meetings and as a result of that a diplomatic conference was called in Geneva in 1949. Our Government had taken a very important and leading part in the formulation of these Conventions. Sir Dhiren Mitra, Legal Adviser to the High Commissioner at that time, and his legal assistant Shri Narayan, were delegates to this conference. Sir, Dhiren Mitra became Chairman of the first committee and our delegation had a considerable part in the formulation of these conventions.

I will deal with them one by one. Coming to the dvelopment, we note the first Convention of 1864; then we go on to 1906 and then to 1929 and the present one of 1949. In regard to the first Convention, it deals with those who have been affected by war conditions on land. It is interesting to find that the first Convention was the second of the two Conventions; the first relating to the shipwrecked at sea came in earlier. The Convention relating to the conditions of the wounded and the sick in land warfare was first passed in 1863 and subsequently revised in 1875, 1906 and 1929 and it was finally revised in 1949.

The second Convention relating to the amelioration of the conditions of the wounded and the sick in maritime warfare was first passed in 1907 and revised in 1949. The Convention relating to the prisoners of war was first passed in 1929 and subsequently revised in 1949. The Convention for civilians was for the first time drafted in 1949 and I shall have to say a few words about it towards the end.

If the House looks at the Bill, as printed, it will find that there are common parts in all these Conventions Article 2 of each of these Conventions contains the following provisions:

"The present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contrating Parties, even if the state of war is not recognized by any one of them."

Then,—this is an advance from the previous situations—

"The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance".

"Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof."

You will notice that in these common parts, the Convention was applicable to war in the very widest sense of the term. These definitions to which most of the States were parties were accepted at the Geneva Convention at the time and in the state of affairs which prevailed in the world at that time largely because the wars, the first world war and more particularly the second world war, had begun to affect the civilians and were affecting large casualties, and the conditions changed in the world, combined with the stirring of human conscience in these matters, and these brought about this wider definition.

In the course of the debate, if further elucidation of these matters is required, with your permission, I shall do so. But I would like to come to the most important of these, namely, the fourth Convention. In the fourth Convention, civilians have been brought in. It is necessary for us not to feel romantic about this matter, because, while the Convention applies to civilians as a whole, the experience of the past has been that when war breaks out, the whole thing is largely conditioned by political considerations. I believe that the Convention of 1907—

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by this time operation in the air has to be considered as part of possible war operations—did provide for the bombing only of military targets, but there was a proviso added to it that if there is any surrounding area which was related to the military targets, it might also be severely bombed. But anyway, the experience of war by the bombing of Germany round the clock and all the bombing that took place made a dead letter of this understanding. So, even though the fourth Convention does provide for the protection of the civilians in the conditions of modern atomic and hydrogen war it has very little application of a law as it depends upon the political settlements that are brought about.

With regard to this Bill itself, the first chapter deals with the definitions. The second chapter is probably the most important because it makes the change in our jurisprudence and our law; that is to say, until now, the jurisdiction of our courts was in regard to our nationals or in regard to offences committed in this country by the nationals of other countries. This Bill makes a change; a change that has been accepted in other countries and it is a change on the older systems of jurisprudence. That is to say, those who are violators of this Convention, whether they happen to be nationals of this country or not, whether the offence takes place in this country or not, would still be under the municipal and criminal jurisdiction of our courts. That is a departure from our legal system as it stands at present with all its consequences. That is to say, if there was an offender against these conventions and even if an offence was committed by a man who was not a national of ours, if at the time when he is apprehended he is in this country, he would still be under the jurisdiction of our courts and be punishable thereby.

Clause 1 prescribes the penalties for these offences and the offences which are described are common to all the Conventions. The punishment is:

> "where the offence involves the wilful killing of a person protected by any of the Conventions, with death or with imprisonment for life; and
>
> in any other case, with imprisonment for a term which may extend to fourteen years."

There are a number of offences to which referrence has been made: killing, torture, maiming and things of this character which are set out in the Conventions. To those who are liable to punishments for such offences, the punishment may be a sentence of death or imprisonment for life "and in any other case, with imprisonment for a term which may extend to fourteen years".

Breaches of all these offences are mentioned in the respective articles: in article 50 of the first Convention; article 51 of the second Convention; in article 130 of the third Convention and in article 147 of the fourth Convention. They all provide for these breaches. That is the first part of the Bill that is now before the House.

I would again like to draw the attention of the House to the fact that we are making a departure from the ordinary criminal jurisprudence of our country in this matter. These are cognizable offences.

The third chapter, which is the second main part in this Bill is with regard to the rights. First, I would deal with the penalties against the violation of the Conventions. In the event of war, if there are a large number of internees in one country and if these matters should come up either at the time of war or hostilities or soon afterwards, the rights of the individuals, even though they are enemies and even if they are people, engaged in hostilities are often likely to be overlooked. Therefore, since this Convention proceeds from humanitarian motives, the whole

background and the approach should also be a humanitarian one; and chapter III provides various provisions and all of them are intended to protect the rights of the persons concerned. These rights will include that when a "protected internee is brought up for trial for an offence for which that court has power to sentence him to death", it would also give him a right of legal defence and the right to information as to place of detention, internment and residence and of the offence with which he is charged before the trial takes place, and the information is to be given to him even though he is in internment and even though he is not one of our nationals and may by that time be a part of a hostile country.

A prisoner may also be in some way represented by others according to his choice. This chapter deals at great length with the rights of internees and the rights of protected persons and the rights of prisoners of war. It is not uncommon that prisoners of war are being used for purposes for which they should not be used. A prisoner of war is intimidated and interrogated. Normally, a prisoner of war may be only asked to give his name, his address and his regiment number or whatever it is. But, as a matter of practice, there have been departures from this, which have been brought to the attention of the various countries concerned. It also provides for appeal, etc.

The fourth chapter deals with the third set of material connected with this Bill, *viz.*, protection of the emblems of Red Cross, Geneva Cross, etc. Protection of three emblems is mentioned. They will be more or less protected in the same way as trade marks or patent rights, the infringement of which would be subject to penalties under our law.

This is the main outline of this legislation. I do not know whether it is necessary for me to go into it at great length, except that I would again like to lay stress on the fact that the Fourth Convention is an important departure from what has taken place in the world. That is to say, if the people concerned are in territory occupied by any other country or if they form part of any kind of disciplined body as such, they would still come under the operation of these Conventions. We had our recent troubles, for example. When our patrols go forward under proper formation, if they are taken, even in the other person's territory outside our territory, and if they are in conditions of custody, then they become amenable to the provisions of this Convention. First of all, if the country concerned has been a party to the Convention, of course, she becomes responsible. But even if the country concerned is not a party to the Convention, she can accept it. In this particular case, China is a party to the Convention and therefore any action taking place in this way comes under the provisions of the Convention.

These were ratified, as I said, five or six years ago. Nothing very much has been done since neither here nor in other countries. Newer provisions have been introduced creating newer situations. In countries like England, legislation was passed in 1957. We have been considering this legislation for nearly a year and now it has come before the House in this form. I have deliberately tried to keep my observations within a short compass in order not to weary the House. No doubt when clauses are discussed, the other things can be dealt with.

The Geneva Conference also passed a number of resolutions which are not in this Bill, but have been communicated to Governments, as they are only requests to implement the Conventions. There is one more matter to which I would like to refer before I sit down, *viz.*, the Final Act of this Convention. As you are aware, the Final Act is not part of the Convention; it is a kind of declaration, which is a matter of great importance to a country like ours. That these

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differences of outlook have been overcome and have resulted in the drawing up of Conventions which have now been signed by 61 countries, including those Eastern European countries which are at the present time finding it difficult to co-operate with other nations in the field of international affairs must be regarded as a victory for those principles of justice and humanity, which, since the first Geneva Convention of 1864, have characterised the international Conventions designed to alleviate the sufferings of war. Until war has been finally abolished, the necessity for international agreement to minimise the effects and evils must remain. The ideal for which all nations must strive, if they are to avoid annihilation, is set forth in a resolution annexed to the Final Act of the Geneva Conference which affirms the desirability of a "friendly settlement of differences through co-operation and understanding between nations", so that "in the future, Governments may never have to apply these Conventions for the protection of war victims", meaning thereby that there would be no victims of war, because there should be no war. That Final Act also makes us recall the idea that the whole thing is based on humanitarian considerations.

If I may refer to a personal experience, when there was a deadlock in Korea, a solution had to be found on the basis of the Geneva Conventions. That was what motivated China at that time to accept the Convention; it was on the basis of humanitarian considerations involved that it was possible to overcome some of the very sharp political differences which existed between the two parties.

It is also something that should gladden our hearts that humanity today has come to realise, irrespective of political differences, that certain principles of humanitarian conduct must be laid down in the hope and conviction that even if there were hostilities, these rules would be observed. While I see that in conditions of atomic and hydrogen warfare they are bound to be totally disregarded, otherwise, the practice of torture and cruelties of that kind will be somewhat alleviated. The relief required for the wounded, information to be given to the relations, etc. —all these provisions are there in the Fourth Convention. I am sure these Conventions would remind us of the progress that the human race is making in this matter.

Mr. Speaker: Motion moved:

> "That the Bill to enable effect to be given to certain international Conventions done at Geneva on the twelfth day of August, 1949, to which India is a party, and for purposes connected therewith, be taken into consideration."

Shri Sadhan Gupta (Calcutta-East): Mr. Speaker, Sir, I have great pleasure in offering my general support to this Bill. I must frankly confess that I have not studied the Bill in very great detail. I have just gone through the Bill a little cursorily perhaps, but I have seen all the main provisions of the Bill. While, of course, I reserve my right to express any adverse opinion on one detail or the other if the occasion should come and if I should so feel after listening to this debate, yet on the whole. I think by and large, the Bill merits the unanimous support of this House. Certainly as far as the spirit and the principles of the Bill are concerned, I have no doubt that it will have the unanimous support of the whole House.

The Defence Minister has pertinently brought up the question as to whether the Fourth Convention, as it is called in the Bill—the Convention relating to civilian personnel—will be effective in the context of atomic and hydrogen warfare. This question is pertinent not only with regard to the Convention regarding the civilian personnel—civilians under the occu-

pation of an alien power—but this question becomes pertinent practically with regard to every one of these four Conventions, because today the possibility is not only of hydrogen and atomic warfare, but also of a kind of warfare which has never been known before. We may call it 'switch-board warfare'; that is to say, warfare in which blows are delivered not by persons marching into a country or sailing into a country or flying into a country, but by persons in some remote corner of some country pressing a switch and releasing a rocket with a warhead containing destructive charges, whether of hydrogen or atom bombs. If warfare comes to that, of course, none of these Conventions will be of any use. For instance, there will hardly be any person wounded in the field, because there will be no field. There may be some shipwrecked persons at sea, but there will be no one to pick them up, because perhaps those ships will be worked by means of weapons far away from that place and no ships could go near them to rescue them. Thirdly, there will be no prisoners of war, or very few. Lastly, of course, as far as the civilians are concerned, in such a warfare trade will perhaps be very few civilians left in a country where this kind of warfare is let loose.

Now, of course, that eventuality is there, but we need not worry too much about those eventualities and consider these conventions at that level. Because the destructive power of our weapons, the destructive power of the hydrogen and atom bombs has so much increased, because the destructive blows that can be delivered by guided missiles is enormous, is terrifying, because these weapons are possessed by different powers who are expected to contend with each other in the future war, therefore, I should think that sanity will prevail on this very account and if war is not altogether abolished in future, at least there would be very little chance of war taking that shape. Of course, no one can rule out a burst of insanity during a war and if such a thing takes place it would be difficult to restrict the war to reasonable limits. But let us hope that this will not happen and yet if war continues these Conventions will serve some purpose. It is from that point of view that I support the Convention.

Of course, I wish that all these Conventions become dead letters from another point of view, about which I will refer at the end of my speech; that is to say, the fact of all powers renouncing war as a means of settlement of disputes. However good that might be, we can still visualise a period in which warfare will be continued to be waged more or less in the style in which it is now waged and that people will not be insane enough to indulge in atomic and hydrogen warfare. I cannot imagine, for instance, that during the last war, the United States would have used the atomic bomb against Japan if she knew there was possibility of retaliation in the same way. Now the possibility of retaliation is much greater. I think it was that fear which has protected us so far from certain very terrifying aspects of warfare, the use of biological and bacteriological weapons or poison gas on a large scale on the civilian population of the other countries.

Now, there is no doubt that even in the period which we have left back there was much destructive possibility in the use of poison gas, or in the use of germs of bacteria let loose by means of aircraft on a country. The fact that it has not been done shows that it was not done due to fear of retaliation. Therefore, I would still think that this Convention would serve its purpose for some time.

These Conventions are a tribute to the sense of humanitarianism which has been growing in this world, side by side with the growth of the destructive potentialities in the possession of great powers. The growth of humanitarianism has been going on for a very long time. I think even in

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ancient days in our country we had some similar rules in regard to treatment of prisoners of war and such matters. I do not speak with any authority because I do not know the details of the Code followed, but I have the impression that that was the rule followed. Indeed, historically it is a fact that the method of killing of prisoners of war was given up in the interests of both the captors and the captured, because nations found that prisoners of war in stead of being killed, might be employed more effectively, say, as slaves. That was certainly an improvement. But, then, with the growth of civilised consciousness, prisoners of war were no longer to be employed as slaves; they might be made to do certain work, but not made slaves. It is this consciousness that has grown and is reflected in very developed form in these four Conventions—three Conventions relating to army personnel and the fourth Convention, which is a new one, in this field which relates to civilian personnel.

These Conventions have all common elements. They protect certain persons from what are described as grave breaches of these Conventions, and the grave breaches are almost identically described in one of these Conventions; that is to say, violence to person is one of these grave breaches, and there are others like putting them to personal indignities and so on—I cannot narrate them exhaustively here. These Conventions protect certain human rights right to life, right to reasonable respect which are universally recognized by civilized communities as rights which every man should enjoy and which even in the case of war should not be allowed to be curtailed. These Conventions give protection to persons and so it is but proper that these conventions should reiterate these principles.

You know that during the last war, although perhaps we were relatively free from destructive warfare, on the territories of other countries, in breach of the existing Conventions, the treatment of the army personnel in the hands of the enemy, particularly in the hands of the Fascists in those days, and of civilian personnel in the countries occupied by the Fascists, was something which shocked the conscience of the world.

Now let us take the treatment of the prisoners-of-war. For instance, I think several years ago there was a trial of certain Japanese armymen who were convicted of having slaughtered prisoners-of-war, cooked their flesh and eaten it. The atrocities perpetrated by the Nazis were well-known. In whichever country they have gone, wherever they have captured prisoners, they have used them for biological experiments. They have put them into gas chambers and asphyxiated them to death. Almost all other diabolical means have been used for torturing and killing prisoners-of-war as well as civilian personnel. It has naturally shocked the conscience of the civilised world and so we find in this convention that protection against violence of their persons, the protection of their lives is extended not only in the case of war technically so-called but also in the case of armed conflict which is not a war.

13 hrs.

Many of us do not understand as to what is this distinction between a war and an armed conflict. For instance, I had the very unenviable occasion on the 3rd September, 1939 in an exhibition debate to support a resolution which said that in the opinion of the house there will be no war in the world. You remember, two days ago Hitler had already invaded Poland. But luckily for me it was not by a declaration of war. So, my theme was that there will be no war because there will only be armed intervention. Unfortunately, mere armed intervention without a solemn declaration that it is a war does not become a war.

Similarly, if there is an insurrection inside a country, the insurgents are not technically at war with the Government. But it is these cases that are provided for by these conventions. You cannot say, "We are not at war. So, we are not bound by these conventions. We can treat the prisoners anyway we like. We can kill off the sick and the wounded and we can do whatever we want to do with the people in the territories we occupy." You cannot say that. Therefore this is a great improvement on the previous conventions.

For all these reasons it might yet serve its purpose in any future warfare. There will certainly be warfare, if of a minor nature, for instance, between two nations which may not be very powerful. Between two weak nations there may be warfare. Such warfares are quite common in South America, for instance, or in the Central American Republics. I do not know whether they are parties to this convention. But if they are, it will protect the military and the civilian personnel in such conflicts. There may be insurrections in countries. It will protect people in such a contingency. There may even be great wars in the conventional style and even in this case the conventions will protect the military and civil personnel. But then, as I said, I hope the conventions will become a dead letter for another reason, that is to say, by reason of the outlawing of war by the conscience of the nations.

I have said before that the very destructive capacity of atomic and hydrogen warfare or regular warfare may be a reason why this kind of warfare may not be indulged in. But it may be that we will have a further realisation. When we start a war we can never guard against that war overstepping the limits. If all the Governments responsible for the destiny of the great powers have that realisation and the people of every nation are striving to make their Governments realise it, as soon as that realisation dawns I doubt not that there will be a strong sentiment for outlawing war altogether as the method of settlement of international disputes. There will be a sentiment, there will be a firm conviction that every dispute can and must be settled across the conference table by mutual negotiations and war as a means of settling disputes should and must be abjured. Now, if that sentiment prevails—and there is quite a likelihood that this sentiment will prevail—these conventions will become dead letters or more or less dead letters because they might apply in cases of petty insurrections or this and that. But more or less they will become dead letters and, of course, we all desire and welcome a situation in which these conventions will become dead letters in this way.

Mr. Speaker: Shri Naushir Bharucha. I will call Shri Tangamani later on.

Shri Naushir Bharucha (East Khandesh): Mr. Speaker, Sir, it is a sad commentary on the way nations manage their affairs that measures based on humanitarian principles lag behind whereas scientific research advances very rapidly in the matter of forging more and more destructive weapons. As I was looking into the Bill, many thoughts crossed my mind and I recalled what I read in Lord Lloyd George's *War Memoirs* where Lord Lloyd George said that those who talk of humanising war forget that cruelty is of its very essence. This Bill seeks to minimise cruelties in war inflicted on prisoners-of-war or seamen shipwrecked in the course of war. But I was more intrigued and interested in that part of the convention which relates to protection of civilian population in times of war to which the hon. Minister drew pointed attention.

So far as those articles constituting this convention are concerned, which deal with general protection or evacuation of the population to safer zones, protection of hospitals, land and sea transport which carries the wounded and the sick and giving of family news, dispersal of families and

[Shri Naushir Bharucha]

bringing together dispersed families, so far as all these articles are concerned I do not think there will be a single hon. Member of this House who will be opposed to any of these. But the thing that was troubling my mind was as to how far these provisions for the protection of civilian population will hold good in the changed times in which we are living, where the destruction caused by nuclear weapons is so vast and the area covered by radiation and contamination so large that safe zones and danger zones have absolutely no meaning. I was wondering how far a thing like this could be useful because it has always been said that in the din of war the voice of law is silent. Unless therefore the United Nations or some such organisation goes a step further than this and creates an international machinery for implementing conventions relating to protection of civil population, I for one do not see much hope of any conventions being respected in times of war by any nation. Perhaps this House knows that in 1925 there was the Geneva Convention which prohibited use of war gases and in the War that followed in 1939, right through that War, war gases were never used. But nobody is simple enough to believe that war gases were not used because anyone wanted to respect the Geneva Convention of 1925, prohibiting the use of war gases, but because Hitler found that the explosives did the work much quicker, much swifter than the war gases would have done. Therefore, he felt that using war gases was a sheer waste of time and war gases were not used. To my mind, I say that is the only Convention I can recall which was ever respected by a belligerent country.

As a matter of fact, these Conventions are never respected once War breaks out. Take, for instance, even the definition in which this Convention is necessarily couched dealing with what are known as 'grave breaches'. It says:

> "Grave breaches are: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health and extensive destruction and appropriation of property, not justified by military necessity....."

Now, one does not know what is meant by these words, 'not justified by military necessity'. Of necessity, the Convention has to be couched in those terms because to say that even military necessity should be overridden in the interest of these articles would be a sheer meaningless insistence, and, therefore, it has been couched in that language. But even then, it is good enough to be some sort of guidance, some sort of moral restraint on belligerent countries because ultimately it is the man very much in the lower hierarchy who ultimately deals with war on the spot. It is the Captain or the Major or a Lieutenant Colonel, and all these are now made responsible by this Bill which we are considering, which vests extra-territorial jurisdiction and jurisdiction over non-nationals who are guilty of any of these grave breaches. It may be that they will have some sort of inhibiting effect. But what I am submitting is this that these conventions were passed as far back as 1949, a time at which we certainly did not visualise atomic bombs of the potentialities which we now have, much less the hydrogen bomb. In the light of this, a great part of this Convention becomes utterly meaningless.

But what I was submitting was that it is not enough, and I should like to know from the hon. Minister for Defence whether any steps are being taken by the United Nations or anybody to create a sort of international sanction for implementing the conventions relating to protection of civilian population. It is useless to talk of safe zones now. You must start thinking in terms of safe countries. For instance, if the United Nations creates an international machinery and provides, let us say, that India,

which is known traditionally to be peaceful, or other countries, shall be an asylum during war for say, children of other belligerents of the world, then one can understand that there is some protection accorded, to which zone the wounded, the sick population, children and the other infirm population etc. could be transferred. I can understand that. If these articles are to have any meaning, I submit that during times of peace an international machinery must be first created for the purpose of implementing those conventions and this international machinery must be manned not by nationals of one country, but by nationals of all countries and the nationals of these countries must relinquish their nationality and a new nationality should be created, an international nationality, a United Nations nationality, if you like, which those people must acquire, so that their loyalties are transferred only to that organisation and remain with no country in particular; so that you create a body which is really impartial and which will not be swayed by patriotism to this country or otherwise and which will administer and implement effectively such types of conventions. Then only it is possible to do something.

Sir, we all endorse this Bill. I do not think this Bill is going to find any opposition. We endorse it in spite of the fact that we know there are so many infirmities in the Bill, because of the fact that there may be a conventional war and in a conventional war there is a possibility of certain restraint being imposed. After all, we need not presume that every war is totally devoid of humanitarian considerations, and if the world opinion is felt and crystalised in the form of a Convention which imposes a moral restraint even upon war, maybe the fear of public opinion, if it will not make the belligerents comply with this Convention, will at least in some measure lessen the miseries which would otherwise be inflicted.

We welcome this measure and we pass it. But I appeal to the hon. Minister to take up this matter and see whether an international machinery should not be created in advance because huge organisations like this cannot be improvised overnight. People have got to be recruited; they have got to be trained; years of training is necessary; recruitment is necessary; funds are necessary; all these things are necessary. Unless such a machinery is ready and, as I said, it should be manned by people who have got international nationality, a new type of nationality created for that purpose—unless there is such an organisation, this article will only remain on paper and it will be only a pious wish and a pious hope that though cruelty is of the essence of war, still we can humanise war, a thing which has not yet been done, which we do not hope will ever be done. It is a poor effort, but even though it is a poor effort, it is important, it should be made in the name of humanity.

Shri Achar (Mangalore): Sir I trust that the Bill is of a non-controversial nature. The last speaker said, probably the Bill will remain only on the statute book. I wish very much it remains like that. If we have no war whatsoever, then there will be no occasion whatsoever to enforce this Bill which we are now enacting today. But, unfortunately, though we all hope that there will be no war whatsoever, we cannot be sure of that position. It is on account of this that conventions have grown specially between the two great World Wars. It was stated that the conventions now brought about by the Geneva Convention of 1949, would be outdated. I do not feel that it would be so. No doubt, the conditions of war, the nature of war and the mode of war have to a large extent revolutionised. We are having these hydrogen bombs, atom bombs; we are having missiles of different nature. But all the same it cannot be stated that there will be no convention of war also. After all, when it comes to the question of final decision of boundaries or settling

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the disputes between the two nations, they may have to come to the last position of fighting out every inch of the border. Then, naturally the conventional war also becomes necessary. From that point of view, I would like to submit that provisions of the conventions arrived at will not become outdated. It may be that we may have yet some other, more important conventions and as one of the hon. Members suggested, probably the international bodies have to meet and I hope our Government also will take necessary steps to bring about some more conventions which would arise on account of these changed conditions of war.

So, from that point of view I submit that this Bill is absolutely not of a controversial nature. But I would like to have one clarification. These conventions were arrived at as early as 1949 and were given assent to by the President the next year, that is, 1950, or, I think, it was 1951. Whatever it be, I am really unable to understand how from 1949 to 1960 the Government did not think it necessary to have an enactment like this. The Conventions are for reducing cruelty, they are of a humanitarian nature. There can be no controversy whatsoever about them, and I fully support the Bill, but I would like to know the reason why there has been so much delay.

The Conventions have been accepted by several nations and we too have accepted them, and to enforce them we have to have an enactment, and for that purpose the Bill is introduced, but with regard to certain provisions of the Bill I feel the drafting has to be improved a bit.

Clause 1(2) states that the Bill extends to the whole of India. In most of the statutes we have been excluding Jammu and Kashmir, and I do not know whether we have got the right to extend this Bill to Jammu and Kashmir. I hope the Defence Minister will consider this aspect.

In most of the clauses the word "grave" is used. For example, clause 3(1) reads:

> "If any person within or without India commits or attempts to commit, or abets or procures the commission by any other person of, a grave breach of any of the Conventions he shall be punished. . .".

I do not know whether it would be proper to put in the word "grave" when we enact an offence. Any breach is really a breach. Though in common parlance we use the expression "gross negligence", the real offence is negligence legally. So, I do not know why "grave" should be there in any of these clauses. Is there any difference between a grave breach and an ordinary breach, or can there be an ordinary breach? Adding "grave" will not in any way either improve or worsen the situation.

No doubt the Schedules are accepted by all the nations, but to me it looks as if many of these definitions are very vague. Clause 3(3) of the Bill defines grave breaches of the Conventions as being breaches of article 50 of the First Convention, article 51 of the Second Convention, article 130 of the Third Convention and article 147 of the Fourth Convention. But I think these are vague for interpretation by an ordinary court. I shall read article 50 of the First Convention:

> "Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing.....

—of course, that one can understand—

> ".... torture or inhuman treatment, ..."

I do not know how exactly this is to be interpreted by the Courts.

".... including biological experiments,....

—of course, we can understand that—

".... wilfully causing great suffering or serious injury to body or health, and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly."

No doubt it is the wording of the Convention proper and we cannot touch it and probably there is great difficulty in improving it, but all the same it will be difficult for the court to interpret words like "inhuman treatment". Every one will understand it in a different manner. Then what should be considered "extensive destruction" is rather a very difficult question. In fact, in all the articles referred to in sub-clauses (a) to (d) of Clause 3(3) the same kind of words appear and I felt the need for some improvement to remove the vagueness.

13.28 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

Clause 9(1) reads:

"The court before which—

(a) any person is brought up for trial for an offence under section 3 of this Act; or

(b) a protected prisoner of war is brought up for trial for any offence, shall not proceed with the trial unless—

(i) the accused is represented by a legal practitioner;"

If some accused takes it into his head not to have a legal representative at all, then the trial cannot be proceeded with. So, it necessarily means he should be represented. But I think we have to add the other provision also that even if he refuses to be represented by a legal practitioner, still, the trial can be proceeded with.

Then, I would like to refer to clause 14. It is a question of laying the burden of proof on the accused. The proviso to that clause reads thus:

"Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.".

I would submit that according to this, the burden seems to have been shifted on to the accused himself. He has to prove that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence. The basic principle of criminal jurisprudence is that the burden of proof should be on the person who wants to accuse another and charge him and get him convicted. But this proviso seems to throw the burden or rather, I would submit, it not only seems to, but it does, throw the burden on the accused himself. I would submit that this proviso has to be modified, and the burden should be placed on the persons who are charging the accused.

Mr. Deputy-Speaker: Under sub-clause (1), every member of the company will be deemed to be guilty; therefore, if anybody wants to get out of it, he can prove that the offence was committed without his knowledge and so on. That is why this proviso has been put in.

Shri Achar: Of course, it is not impossible. But in a case where a criminal offence is involved, the burden should be on the person who wants to charge. Everything has to be proved beyond doubt by the person who wants to charge the accused and get him convicted. Therefore, my respectful submission, so far as this proviso is concerned, is that it will not be fair to place the burden on the accused.

Mr. Deputy-Speaker: The hon. Member has taken objection only to the proviso and not to the first portion. If the hon. Member's contention is accepted, then every member of the company will be held guilty, and nobody will have the chance to prove his innocence.

Shri Jaganatha Rao (Koraput): That is what would happen if the proviso is deleted.

Mr. Deputy-Speaker: That would be worse.

Shri Jaganatha Rao: The whole clause should be deleted in that case.

Shri Achar: Sub-clause (1) of clause 14 reads thus:

> "If the person committing an offence under this Chapter is a company, the company as well as every person in charge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:".

So, every item that would comprise the offence must be proved. That is my contention.

Mr. Deputy-Speaker: Then, the hon. Member should object to clause 14 (1) and not to the proviso thereto.

Shri Achar: As it stands, the proviso gives the liberty altogether to the person charging.

Pandit Thakur Das Bhargava (Hissar): This is an exception.

Shri Achar: There is just one small point that I would like to mention, and that relates to the Schedules. At the beginning of the First, Second, Third and Fourth Schedules, the wording is—no doubt it is taken from these Conventions—

> "The undersigned Plenipotentiaries of the Governments represented at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949 . . . ".

All the four Schedules begin like this. In other words, all of them refer to certain Plenipotentiaries who have signed these conventions. But nowhere do we find any mention in the Bill as to who exactly these Plenipotentiaries were. The Bill merely refers to "The undersigned Plenipotentiaries' without stating who these Plenipotentiaries were. The Bill will be incomplete without the reference to them. If the idea is not to mention them at all then, probably, the wording at the beginning of the Schedules has to be changed. To state that there are certain undersigned Plenipotentiaries and latter on give only the different Conventions, without mentioning the undersigned Plenipotentiaries, is, I submit, making the Bill incomplete.

Shri Jaganatha Rao: This is a most welcome measure and the least controversial. It seeks to consolidate all the four Conventions entered into by the various Plenipotentiaries on the 12th August, 1949 at Geneva, and to give legal effect to them. As such, when we construe the various provisions of the Bill, we have to take note of the fact that the Bill should be in conformity with the various Conventions that have been entered into and have been ratified by the President of our Republic. Therefore, we cannot have any new provision or improve upon any of the provisions of the Bill by putting in something which is inconsistent with or which adds to or subtracts from any of the articles of the four Conventions.

The four Conventions entered into in 1949 are much wider in scope than the earlier 1929 Convention which gave protection only to the wounded and the sick; Article 13 of the First Convention mentioned in the First Schedule, for instance, gives protection also to other persons who are not members of the actual fighting forces but who are engaged in helping or assisting the Armed Forces in the fight. Also, the civil population is given the right to collect aid and give aid and take care of the sick and the defenceless. Similarly, there are certain other provisions under which mobile medical units, hospitals and other such organisations which are concerned with the humanitarian aspect of the problem have been given protection.

Several objections have been raised by my hon. friend Shri Achar regarding the provisions of the Bill. Firstly, he referred to the phrase "grave breach" mentioned in clause 3 of the Bill, and which is referred to in article 50 in the First Convention of the First Schedule and the corresponding

articles in the other schedules. We have to remember the fact that these Conventions deal with the wounded and the sick after a war or armed fight. In a war or armed fight, there is bound to be destruction of property, loss of life, loss of limbs, injury to persons and so on. These Conventions do not cover nor are they intended to cover cases of every destruction of property or of persons. It is only in cases where there is a grave breach, or there is wilful causing of hurt or great suffering or wanton destruction or extensive destruction to property and so on, that these conventions seek to bring the culprits to book.

Therefore, in interpreting or in trying to understand clause 3 of the Bill, or article 51 of the First Schedule or the corresponding articles in the other Schedule, we have to bear this fact in mind. So, the criticism levelled by my hon. friend Shri Achar, according to me, does not hold water.

Then, my hon. friend referred to clause 14 which deals with the companies, and which provides that if a person committing an offence under that chapter is a company, then the whole company, and every person in charge of, and responsible to, the company for the conduct of its business is liable. It is only the person who has special knowledge of facts who can plead for exemption. That is the provision in sections 105 and 106 of the Evidence Act. So, a person who wants to exonerate himself or who wants to extricate himself, has to prove the special facts to show that he is not liable and that he cannot be held liable. Therefore, if clause 14 is to be there, then, certainly, the proviso also has to be there. Otherwise, as observed by you, there would be no scope for exemption for any person concerned in the company. I do not exactly see the reason why clause 14 itself should be there. When dealing with this point, I do not conceive of a situation where the company of contracting parties would be in armed fight. I do not think such a situation will arise; but if you want to retain Clause 14, the proviso has to remain there.

Something has been said by my hon. friend Shri Achar about the extent of application of the Act. This Bill extends to the whole of India, including the State of Jammu and Kashmir. If you look to the provisions of the Bill and the various articles of the conventions, you will find that they relate to the after-effects of a war or conflict. I have no doubt that this should apply to Jammu and Kashmir and there is no reason why Jammu and Kashmir should be excluded. We cannot take as a comparison or illustration the various measures in which Parliament has excluded Jammu and Kashmir. There are internal matters relating to that State in respect of which that State is competent to enact legislation.

I agree with some of the doubts and fears expressed by some hon. Members about the adequacy or usefulness of the Fourth Convention in this nuclear age. The Fourth Convention which gives protection to the civil population can have no meaning. We have seen the devastations and the sufferings inflicted in Nagasaki and Hiroshima by the atom bombs. If such a thing were to happen, this convention would be of no avail. But, I quite see that this Bill seeks to give legal effect to the Convention of 1949. If the Convention is silent on that point, the Bill cannot improve upon it. I am sure our Government and the hon. Mover who is also the Chairman of the Indian Delegation at the United Nations, who has been responsible for making the countries realise the desirability of general disarmament, would do well to bring to bear upon the United Nations and the other countries of the world the desirability and the need to enter into a new convention to prohibit the nuclear war. I hope, and the whole world is hoping, that the Summit conference would come to an agreement on general disarmament. In such a case, the fears entertained by hon. Members and by me, may not hold much water.

As it is, Sir, this Bill gives effect to the various conventions which have been entered into in 1949 and the various provisions of the Bill are certainly

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in conformity with the conventions entered into and ratified by the President. I am in full agreement with this measure.

Shri Aurobindo Ghosal (Uluberia): Mr. Deputy-Speaker, Sir, there cannot be two opinions about the acceptance of the Geneva Conventions. The Geneva Conventions seem to me to be the anthology of the code of conduct of the warring nations, of the belligerent countries, during the time of the war. Sir, the approach is humanitarian, but the force behind this law would be more ethical than legal. I quite agree with my hon. friend Shri Bharucha when he said that unless there is a machinery behind this law to enforce it, it cannot be strictly called a law and cannot also be enforced by several nations.

We have all seen the horrors of war. At the time of war, we have seen how the code of conduct has been applied. We have got experience of that. We know how these provisions are more violated than respected. In the case of treatment of the prisoners of war, various measures have been prescribed by which prisoners would be dealt with. In spite of this, we find that the warring nations have opened their concentration camps, held mock trials for shooting down and giving ill-treatment. Sir, the old psychology of considering the people of the defeated nations as booties is still continuing.

As regards the safety of the civil people, I quite agree with those speakers who have said that in the case of nuclear war it is meaningless to expect that these provisions would be applied. It is very difficult to observe them.

Another important item to which I would like to make a reference is Red Cross. Red Cross serves a noble purpose at the time of war. We have seen how Red Cross has been utilised as camouflage for all the diabolical works during the times of war. We have also seen after the two world wars, how the people of the defeated nations are ill-treated by the nations who have occupied those countries.

I do not know whether China is a party to the Geneva Conventions. The other day we have had experience relating to the ill-treatment of our armies. Many have got rocket missiles and hydrogen bombs and atom bombs and other nuclear weapons. It is very difficult to say that these Geneva Conventions will be complied with if the war begins again. It is quite true that if a war takes place, it will not be fought without the nuclear weapons at the present moment. Therefore, we hope that the contracting parties will also formulate other suitable articles to suit the present method of warfare.

In spite of all these things we welcome this measure. We now find that various great nations of the world are getting back their sanity and we hear of summit talks and disarmament conferences. So, in that perspective, these Geneva Conventions have got their utility.

As regards the international machinery which has been suggested by Shri Bharucha, I would like to say something. I do not think that there can be any person who can acquire international citizenship, because it is an abstract thing. The international machinery in regard to the implementation of these articles is only the public opinion or the opinion of the world which will force the warring countries to observe these articles. We have got experience of this. We have seen how during the last Suez crisis world opinion influenced the warring nations to stop the big conflagration which was impending then.

So in that respect, we also support the Articles which have been brought in here in the form of a Bill. A point regarding the extension of this legislation was raised by Shri Achar. We do not understand why we should not mention here that the legislation is

applicable to the whole of India. We do not dispute ourselves the fact that Jammu and Kashmir which is within the territory of India is our country. Naturally, we are not going to dispute our right over that State, whoever may raise a dispute. So it is naturally correct that the Act is sought to be extended to the whole of India.

Ultimately, these conventions will be effective if war can be prevented by the attempt of all the nations, because we have seen that in spite of these conventions, many provisions and good wishes, nations sometimes develop such war psychosis that it is impossible for them to observe these rules and regulations. I will conclude by quoting what Joad said:

> "We fought for prestige, affluence and better life; in return, we have received widows, clutches and a huge national debt".

Sir, I welcome this measure, whatever might be its utility in future.

Shri Tangamani (Madurai): Like many of the previous speakers, I would also like to extend my support to this piece of legislation. But at the outset, I would like to know from the hon. Minister the reason why there has been delay in bringing forward such a legislation. He has informed us that the Government of U.K. already had a similar legislation passed in 1957. If there are any special reasons why delay could not be avoided in our case, I would like the hon. Minister, when he replies to the debate, to take us into confidence.

As he explained to us the history of the various Conventions, he informed us how all these four Conventions were adopted. The First Convention dealing with the amelioration of the conditions of the wounded and the sick was first adopted in as early as 1864. This concerned the land forces. Regarding the wounded, sick and shipwrecked members of the naval forces, the first Convention was adopted in 1907. The Third Convention relating to the treatment of prisoners of war was passed in 1929. The Fourth Convention, for the protection of civilians, was adopted for the first time only on the 12th August 1949.

Having said this, I would like the hon. Minister and the Government to popularise some of these Conventions, as has been done in other countries. I would like to refer to a very popular film which was on the screen a few months ago. It is a modern film entitled *The Bridge on the River Kwai*. The whole story was about a particular company. A British company was captured by the Japanese Army. When these imprisoned soldiers were ill-treated by the Japanese officials, repeatedly the British officer reminded them of the Geneva Conventions. He says: 'Please refer to Convention number such and such which was adopted in the year such and such. That Convention says that I as an officer of the armed forces is entitled to such and such treatment'. He refers to another Convention and says, 'As a prisoner of war, I am entiled to such and such treatment'. The Japanese officer in this film rejects all the pleas of this officer. He is ultimately very much ill-treated.

Therein lies the way in which such issues can be made popular. This particular film has received several awards. I am told that when a series of American films were shown in the Soviet Union, this was the sixth film which was very much appreciated.

The barrier between rival factions also can be removed if such films are distributed throughout countries. I would suggest that the Films Division of our Government can also look into this matter and see how best to popularise such a film.

The next point on which I would like clarification from the Minister is about Convention No. 4. He made it clear that Convention No. 4 may not be very useful at a time when we are living in this nuclear age. But apart from nuclear warfare, what is the sort of protection which is to be given

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to the civilian populations who will be subjected to aerial bombing? Crimes against the first three Conventions are listed in Articles 50, 51 and 130. The wording is more or less similar. But Article 147 of the fourth Convention reads as follows:

> "Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the present Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces or a hostile Power, or wilfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly".

I do not know how far this Convention will include bombing of civilian areas, because the second world war brought to light many instances of indiscriminate bombing. I might mention—though it may not be very important—that I have myself witnessed the bombing of civilian areas in 1939 and 1940 in U.K. and again in 1940-41 in the East by Japan. Whether they are German bombs or Japanese bombs, they do the same kind of havoc. Unless this particular point is brought home in any one of these Conventions, in any of the Articles of these Conventions, it may not appeal to popular sentiments. I can very well understand the point about nuclear weapons, but what is the sort of protection that is sought to be given against bombing of civilian population? During the second world war, certain names became very significant names. The city of Coventry in U.K. was more or less razed to the ground by indiscriminate bombing. A city like Stalingrad was razed to the ground by indiscriminate bombing. Of course, we all know the names Hiroshima and Nagasaki. These cities were razed to the ground, including naturally the civilian populations also there. That is why I feel that some light may be thrown on whether these Conventions contain provisions to cover cases of aerial bombing also.

I will next refer to certain Articles in one or two Conventions. Article 19 of the first Convention deals with mobile medical units and establishments. I shall not read out the Article, but it seeks to give protection to mobile medical units. Protection is also sought to be given to hospital ships as per Article 20.

The hon. Member who spoke just now referred to how even the Red Cross was also used as a camouflage in times of war; it may be in times of war like the Second World War or it may be in times of internal conflict as it happened in Hungary. These medical units which are to serve the wounded and which are to give protection to people who have suffered for no fault of theirs should not be used to flout the purpose and abuse the protection.

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Another name which comes to my mind at the present moment is the name of Florence Nightingale. In those days even young children were told about Florence Nightingale and how she served those wounded soldiers and also about the creation of the Red Cross.

The Bill, as it is, is an innocuous Bill and it contains only 19 or 20 clauses. I am very happy to find that Government have accepted that every rule that will be made by the Central Government will be laid, as soon as may be after it is made or issued, before the two Houses of Parliament. The rule-making power may have to be checked up by Parlia-

ment itself because this is a new type of prosecution and certain procedures will have to be worked out.

An hon. Member remarked that it is now for the accused to prove that he is not guilty. When once a particular offence has been made out, the Government of India issues a certificate through its recognised officer; and, when that certificate comes it is not in the form of a charge-sheet alone. It is really much more than that. A certain heinous offence has been created. We, as parties to the Convention, are enabling the Government through this legislation to take suitable measures whether that particular person who has committed that offence is an Indian national or not.

The hon. Minister has rightly pointed out that under Chapter II we are now introducing a new form of offence in our concept of jurisprudence because here the offence is not committed in our territory and it has not been committed by an Indian national. Even in such cases, because we are committed to this convention we give jurisdiction to our courts; our courts, not below the rank of a Chief Presidency Magistrate and our courts of session get jurisdiction to try such offences.

Having said this, I once again welcome this measure. I expect the hon. Minister will throw more light upon the various provisions in the Convention, which he promised to do when he introduced the Bill.

Shri D. C. Sharma (Gurdaspur): Mr. Deputy-Speaker, Sir, of all the big cities in the world, Geneva, more than any other city, has been associated with causes and with decisions and with enactments that are more life-saving than life-destroying. It is in the fitness of things that these Conventions come from Geneva which is the capital of a country that has been known for a long time for its non-aggression and non-belligerency.

I would view these Conventions firstly in the light of the avowed aims of my country. The very day our country attained independence we threw open our windows to the world. We did not like to live in isolation, commercial or intellectual or cultural or political. We wanted that our country should by far and large be a country which serves all those international laws, all those international conventions and those international precepts which make for peace. It is, therefore, but natural that we should be legalising these Conventions here—approved by the President some time ago—and which are in conformity with the standards of our country so far as internationalism goes.

In the second place, I view this Bill in the context of our history and of our culture. Our history has been marred by many wars of all kinds and our culture has also suffered some set-backs. But, there is no doubt that by far and large my country has been known to be a country of peace. No better testimony can be given to that than this that while my country was trying to attain independence it fought a battle of non-violence. It had a struggle in which there was no violence or bloodshed. Surely,....

Shri Narayanankutty Menon (Mukandapuram): Bloodshed was there.

Shri D. C. Sharma: But not so much as in the Soviet Union or in China for the matter of that.

I was submitting very respectfully that this Bill assumes an added importance when we look at our National Flag, the Ashoka Chakra, the Chakra of peace. So, I welcome this Bill as it has been welcomed by so many other speakers. I say to myself this is a very fine Bill. But, what about that country which is not one of the high contracting parties; what about that country which does not follow the standards of civilsed warfare; what about that country which refuses to ratify these Conven-

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tions which were arrived at in Geneva? What about that country, for instance—I do not want to go back to ancient history or into the history of my country which extends over so many centuries—which has done something recently? I want to cite a very simple example which has occurred very recently and occurred under our very nose.

We know how some of the members of our patrolling party were ambushed and how they were taken to some part of China and how they were interrogated. I want to ask myself: can there be any guarantee that the treatment which was meted out to Karam Singh, that vallant son of India, the heroic child of our country, would be a thing of the past? When things like that are happening in the year 1959 in a country which has reason to call itself cultured and civilised—I do not deny that—I ask myself whether this Bill which represents a gentleman's agreement with a gentleman or an agreement between one civilised government with another can have any value, if somebody tries to flout it? After all this world does not consist only of gentlemen or only of civilised Governments; nor are all high contracting parties to this Bill. There are all kinds of men and nations in this world. But can anything be done to present people from torturing persons who have been ambushed and taken prisoner, to see that they are not victims of frost-bite and they are not subjected to inhuman treatment. Of course this convention gives a whole list of what is to be done when you have a prisoner of war. It is a very exhaustive list. Nothing has been left out of it: food, shelter, accommodation, all these things have been specified. Even the religious needs of such persons have been given in detail. But what happens to those persons who become the victims of those very things which are forbidden and prohibited in this Bill? The only answer to this question is this. There should be one world and one Government but that is very far off. Whatever the political or religious faith of a country may be, that country should at least recognise the canons of civilised behaviour, when some kind of a conflict is there between that country and some other country.

As I have already said, this Bill embodies the hopes and aspirations of those persons who are going to take part in war and are going to be sick or wounded whether on the sea or elsewhere. This Bill gives expression to the hopes of those persons who are going to be taken as prisoners of war—unfortunate persons—unfortunate because of two reasons: in the first place, they have to fight a war which I think civilised nations would like to outlaw and secondly, because they have been taken as prisoners of war. There is also the protection of civilian personnel in times of war. All these things will make humanity breathe a little more easily but that thing will not last very long and it will be breathing only for a while because the sword of war will always be hanging on the head.

If I were cynical—I am not cynical—I would say that this Bill is like a code of conduct for a lion that has got its victim between its paws. You say to the lion: deal with this victim gently and humanely; do not suck the whole of its blood but suck only a part of its blood. Can there be any code of conduct for the lion which has its victim before? When countries fight, I would say that they also assume—not totally but partly—the character of lions. The lust to kill descends on them. Therefore, I would say that though this convention may not carry us very far, it does carry us to some extent. I would say that there should be some kind of a convention by means of which all the Governments of the world become party to this convention. How can that be done? Can the United

Nations do it? Can any other body do it? To see that these conventions are being observed in a country which is belligerent or in countries which are at war with each other, we should make provision for the safe custody and safe journey and safe conduct of some of those parties such as the Red Cross and others which can give us an objective statement about the way these conventions are being observed. Of course you have the Red Cross, the Red Crescent and the White Cresent and the Red Lion Sign—we have all these organisations and these organisations will see to it that these conventions are observed. They have been doing a very noble work and all honour to them; all credit to them and all strength to them. I think there should be some international authority—a team of inspection or some international unit—which can see to it that these conventions are observed. We cannot depend only upon the reports which are given by these humanitarian agencies though they are doing very good work.

Now, nothing like that has been said in this Bill. Therefore, whereas this Bill embodies the high watermark of humanitarian impulses, this Bill leaves it to the good sense and goodwill of the country to implement it. Goodwill and good sense are very rare commodities in the world these days. These commodities become rarer still when any country is at war with any other country. I do not want to refer to what happened to the Jews during the last World War. I do not want to refer to the prisoners of war in some countries. I only want to say one thing here. When I went to Italy I met some Italians. One of them asked me: "Do you come from India?" I said: "Yes". He then said: "I have been to India also". Then I asked him: "Which parts of India did you see". He said: "I never saw any part of India because I was in the prisoner's camp and the question of my seeing India did not arise". I asked him further as to how he was treated. He said that he was treated well and he found Indian people roundabout that camp very friendly.

I would say that so far as the implementation of these Conventions is concerned we must have some international authority. We are going to have an international team for inspection of nuclear explosions. We are trying to have a team to inspect nuclear weapons and other kinds of things. I think something should be done in order to see to it that when two countries are in trouble they should know that some outside agency, respectable neutral agency is going to watch their efforts. I wish an agency like that had been there. Then we could have sent it to China to see how Karam Singh and his companions were treated in that country. Instead of depending upon what China says about them or what Karam Singh and others say about them, we could have got a clear report about the torture that these countrymen of ours were put to. That was not a war, but that was done when our country was at peace with that country.

Another point I want to make is this. Formerly there were two emblems. There was the Red Cross and there was the Geneva Cross. Two more emblems have now been added, the Red Crescent on white ground and the Red Lion and Sun on white ground. I wish, Sir, that my country also should have an emblem. After all, I think, Red Crescent on white ground belongs to Afghanistan and other countries. I wish my country should also have an emblem. Our soldiers, our medical men and others have gone to Korea and other places. Even now they are in Gaza. An emblem of my country should also be displayed on similar things. If small countries can have those emblems, I do not see why my country should not have an emblem. Instead of having four emblems we should have five emblems. After all, by doing so we will

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only be giving expression to our policy. I can assure you that whenever there is trouble anywhere our emblem will be as much honoured as the emblem of any other country. Therefore, this is a matter which should be looked into by the Minister of Defence who is piloting this Bill.

I want to bring forward another point. While we have given due rights to the prisoners of war, while their needs have been looked into very exhaustively, while a whole catalogue has been given of their needs, physical and others, I find that the same kind of thoroughness has not been applied to the treatment of the wounded and sick in the case of Armed Forces in the field or Armed Forces at sea. I do not say that they have been neglected in these Conventions—I do not imply any criticism of that kind—but I feel that the wounded and the sick require much more attention than the prisoners of war. While we have tried to give a kind of charter of rights to the prisoners of war—they can do work, they will be paid for that work, they will be asked to do only that kind of work which will be good for them etc.—we have given all these things and it is good that we have given these things to them—I find that the interests of the wounded and sick and also the ship-wrecked persons have not been attended to with as much care as they should be.

Therefore, the Convention while it is good as far as it goes has not dealt fully with these categories of persons. Of course, I would be told that there would be a Florence Nightingale to look after them, a descendant of Nightingale or her counterpart to look after them. I pay my homage to Florence Nightingale and I give all honour to those persons who served the sick and the wounded in those times. But I think that the wounded and the sick do not need only medicine and food but they need other things also, they need other kinds of care also. While this had been done in the case of other persons, I must say that this has not been done in the case of these persons.

Sir, I am very happy that this Bill has been brought forward to give legal sanctity to those Conventions. But I want to ask the hon. Minister whether India was a member on any body—I think there are four Conventions—when these conventions were being discussed. I want to know whether India was a member of any body or all the bodies when these Conventions were being discussed. If India was not a party to these Conventions, why India was kept out? I wish the point of view of India—of course it may not be different from the point of view of others—should have been heard on these Conventions also.

I do not want to discuss the legal and judicial aspects of this Bill. Some hon. Members have done it. It has been suggested that our courts will be entitled to sit in judgment upon the prisoners of war. I ask one question. It is a hypothetical thing and God forbid it happens; suppose we captured some Chinese, as the Chinese captured Karam Singh and others. Will we have a right to sit in legal judgment upon them? Does this Bill give us this right? Therefore, while we have given the right to other persons to judge our prisoners of war as we have taken from them the right to judge our prisoners of war, I want to ask, what will be the situation so far as our country is concerned, when we have to deal with some country which is not a contracting party to this Convention. I think our position will be that we will be neither here nor there; that we will be afraid to do anything lest we should hurt international opinion or hurt something else. I think this point should be made clear, especially because it consists not only of high contracting parties to this convention but also of non-high contracting parties to this

Convention. What will be our attitude to those countries? That is what I want to know.

As I said at the beginning, if I were cynical, I would say that these Conventions are pious hopes. But I am not cynical. (*Interruption.*) I am not cynical because luckily I am not in your company. I have faith in humanity. I have faith in the efforts of mankind to outlaw war. I have faith in this: that we are living in a world which conforms to civilised standards of conduct and behaviour. I believe in that. I think that the day will come when all the countries of the world will be high contracting parties so far as this Bill is concerned, and no country will stand apart or stand aloof. If any country does so, I think that country will forfeit the esteem of mankind.

श्री श्रीनारायण दास (दरभंगा) : उपाध्यक्ष महोदय, आज जब जेनेवा कन्वेंशन बिल पर वाद-विवाद करने का, जिसे हमारे माननीय रक्षा मंत्री ने इस सदन के सामने उपस्थित किया है, और जिस में पिछले कई वर्षों के विभिन्न कंवेंशनों के बड़े ऊंचे ऊंचे आदर्शों का कानूनी जामा पहनाने का इस सदन को मौका मिला है, उस समय मेरा खयाल , और जहां तक मैं समझता हूं दूसरे साधारण लोगों का खयाल, जाता है मानव स्वभाव की जो दो विरोधी भावनायें हैं उन की तरफ । जब से इतिहास का आरम्भ हुआ, मनुष्य जाति का आरम्भ हुआ तब से व्यक्तिगत विकास में जिस तरह से एक पुरानी भावना है कि एक व्यक्ति दूसरे व्यक्ति पर धावा बोले , एक व्यक्ति दूसरे व्यक्ति को उसके अपने अधिकार से वंचित करे, एक व्यक्ति दूसरे व्यक्ति पर अपना नाजायज असर डाले, उसी तरह से सामाजिक विकास में भी पहले की तरह ही भावना चल रही है । आज एक समाज या एक राष्ट्र भी उसी भावना से प्रेरित है कि एक राष्ट्र दूसरे राष्ट्र को दबावे , एक राष्ट्र दूसरे राष्ट्र को नाजायज तौर पर प्रभावित करे, एक राष्ट्र दूसरे राष्ट्र को उसके अधिकारों से वंचित करे, एक राष्ट्र और दूसरे राष्ट्र में अगर किसी तरह का विवाद उठ खड़ा हो तो उसे हल करने के लिये युद्ध का आश्रय ले । लेकिन आज जहां एक तरफ यह भावना है वहां दूसरी तरफ दूसरी भावना है, और वह भी इतिहास के शुरू से है । मनुष्य में जहां तक एक तरफ निर्दयता की भावना है, जहां एक मनुष्य दूसरे मनुष्य पर अन्याय करने में, आक्रमण करने में, वार करने में नहीं हिचकता है, वहां दूसरी तरफ मनुष्य में मनुष्य के प्रति ही नहीं, जानवर के प्रति भी दया का भाव पैदा होता है। जब से युद्ध का आरम्भ हुआ तब से, इतिहास के पहले की भी अगर कल्पना की जाय, अगर हम देश विदेशों के काव्यों को देखें , और जहां तक हमने लड़ाइयों का अध्ययन किया है , वहां हम ने देखा है कि लड़ाई चलाने के लिय भी उन लोगों ने आपस में मिल कर लड़ाई के पहले युद्ध लड़ने के नियम, लड़ाई करने के कायदे कानून बना लिये थे ।

आज इस विधयक पर विचार करते समय जो मानव जाति की दो विरोधी भावनायें हैं, ऊंचा खयाल है कि जब एक मनुष्य दूसरे मनुष्य के साथ व्यवहार करे या एक राष्ट्र दूसरे राष्ट्र के साथ व्यवहार करे तो अच्छे से अच्छे, ऊंचे से ऊंचे विचार से प्रेरित हो कर के काम करे वहां आज इस बीसवीं शताब्दी में भी हम देखते हैं कि छोटी से छोटी बात को ले कर, हल्की से हल्की चीज को ले कर एक राष्ट्र दूसरे राष्ट्र को दबाने के लिये सारे संसार में युद्ध की विभीषिका को फैला देता है । जब से हमारे देश में स्वराज्य हुआ और हम ने अन्तर्राष्ट्रीय क्षेत्र में कुछ काम करने के लिये कदम बढ़ाया , उस समय से ही हम ने इस सदन में बैठे बैठे अपनी पुरानी संस्कृति और सभ्यता के आधार पर ही, विशेषकर, अपने राष्ट्रपिता महात्मा गांधी के बताये हुए आदेशों के अनुसार उस नीति का अन्तर्राष्ट्रीय क्षेत्र में बरता है जिस नीति का स्वागत हर एक देश में होने लगा है । लेकिन जहां हम ,इस कन्वेंशन

[श्री श्रीनारायण दास]

की धाराओं को उदात्त भावनाओं और ऊंचे विचारों को देखते हैं वहां यह खयाल भी आता है कि कुछ ही वर्ष पहले इस संसार के एक बहुत ही सभ्य राष्ट्र ने लड़ाई के सिलसिले में में नागासाकी और हिरोशिमा के निहत्थे बच्चों और औरतों पर, जिन का लड़ाई से कोई ताल्लुक नहीं था, लड़ाई के कारणों से कोई ताल्लुक नहीं था बिना किसी सूचना के बेदर्दी के साथ बेरहमी के साथ अणुशक्ति का प्रयोग किया । इस समय जिस कंवेंशन को हम मानते हैं, मानते जा रहे हैं, और कानूनी जामा पहनाने जा रहे हैं, अगर उस की पृष्ठ भूमि में हम इस चीज को देखते हैं तो एक संदेह पैदा होता है कि जब हम इन बड़े बड़े कंवेंशनों में बैठ कर ऊंचे ऊंचे आदर्शों को रखते हैं तो क्या सचमुच जो राष्ट्र उस में भाग लेते हैं , जिस राष्ट्र के प्रतिनिधि भाग लेते हैं, वे अपनी अन्तरात्मा से इस बात में विश्वास करते हैं या नहीं । इसलिये यह सदन के लिए आज सचमुच में एक सुनहरा मौका है कि हम आज राष्ट्रीय दृष्टि से ऐसे कानून को बनाने जा रहे हैं जिसमें युद्ध से उत्पन्न होने वाली परिस्थितियों का प्रतिकार किया जा सके । पहले जमाने में, जैसा कि हम पुराने इतिहास में और काव्य में पढ़ते हैं, मैदान में लड़ाई होती थी, लड़ने वाली फौजें मैदान में जमा होती थीं और जो लोग जान बूझ कर लड़ाई में जाते थे, चाह तन्ख्वाह ले कर या किसी और कारण से , उनको ही नुकसान पहुंचता था । लेकिन जैसे जैसे मनुष्य के दिमाग का विकास होता गया, जैसे जैसे विज्ञान का विकास होता गया यह लड़ाई केवल मैदान तक ही सीमित नहीं रही । आज अगर कहीं एक छोटी सी भी चिनगारी पैदा होती है तो वह एक भयानक रूप धारण कर लेती है और अनेक देश उस में लग जाते हैं और ऐसा लगने लगता है कि मानों जंगल का कानून सारे संसार में फैल गया है । हमने अपने राष्ट्रीय जीवन में इस जंगल के कानून को रोकने के लिए तरह तरह के कानून बनाये हैं, जैसे पीनल कोड और क्रिमीनल प्रोसीज्योर कोड । इसी तरह से अन्तर्राष्ट्रीय क्षेत्र में देशों के व्यवहार का नियमन करने के लिए हमारे रक्षा मंत्री ने यह बिल पेश किया है । इस प्रकार का समाज बनाने के लिये इस बिल में कुछ धाराएं बीज रूप से विद्यमान हैं । इस लिए ही, यद्यपि हम समझते हैं कि यह पूर्ण रूप से व्यावहारिक नहीं हैं, हम इसे स्वागत योग्य समझते हैं । आज दुनिया में जो सभ्य कहलाने वाले लोग हैं वे देश मिनट मिनट में, सैकिंड सैकिंड में और दिन दिन में अणु शक्ति के अस्त्रों का निर्माण कर रहे हैं , जिन से फैल सकने वाली विभीषिका से समाज कांपता है । इसी कारण एक साधारण मनुष्य के मन में इस प्रकार के कनवेंशनों को देख कर शक पैदा होने लगता है । कहां तो एक तरफ इन में इस प्रकार के ऊंचे ऊंचे खयाल प्रकट किये जा रहे हैं और कहां दूसरी तरफ आज देश छोटी छोटी सी बात पर संसार में लड़ाई की विभिषिका फैलाने को सन्नद्ध हैं । वे आज एक दूसरे से इस प्रकार के संगठन कर रहे हैं कि अगर कोई मौका आवे तो वे सारे संसार पर लड़ाई की विभीषिका फैला दें ।

फिर भी अंधकार में एक रोशनी दिखाई देती है । किसी ने कहा है कि मानव देव भी है और दानव भी है । मनुष्य के स्वभाव में जो देव है वह किसी की बुराई नहीं कर सकता । मैं उस देवता का ही जिक्र कर रहा हूं । मनुष्य दानव भी है और देव भी है । कभी वह दानव बन जाता है तो कभी देव भी बन जाता है । कभी ऐसा होता है कि जब किसी राष्ट्र के सामने समस्याएं पैदा होती हैं तो वह राष्ट्र दानव का रूप धारण कर लेता है और सारे संसार को त्रस्त कर डालता है । इसी प्रकार से ऐसे भी राष्ट्र हैं जो संसार में शांति का प्रसार करने का प्रयास करते हैं । प्राचीन समय में भी एक राष्ट्र ने इसी प्रकार संसार में शांति का प्रसार करने का प्रयास किया था । इसके बारे में हमारे माननीय सदस्य जानते हैं । एक समय सम्राट अशोक ने लड़ाई

की विभीषिका फैला दी थी लेकिन लड़ाई की नाशकारी शक्ति को देखकर, उस से होने वाले विध्वंस और निर्दयता को देखकर अशोक के मन में दया पैदा हुई जिसे उसने अपने साम्राज्य में फैलाया। इसी प्रकार हमको इस समय भी अंधकार में एक रोशनी की किरण दिखायी देती है । आज जहां एक ओर अणु शक्ति के अस्त्रों की तैयारी हो रही है, जहां आज एक ओर ऐसे अस्त्र तैयार हो रहे हैं जिनसे मानव जाति का कुछ घंटों में नाश हो सकता है, वहां मनुष्य की देवत्व की शक्ति लड़ाई से उत्पन्न परिस्थितियों की भयानकता को कम करने का प्रयास कर रही है । लड़ाई में ऐसे लोगों का भी घात हो जाता है कि जो लड़ाई में नहीं जाते । ऐसा भी होता है कि किसी राष्ट्र के जो खराब लोग होते हैं या जो राष्ट्र में खराब संगठन होते हैं वह राष्ट्र को लड़ाई में ले जाते हैं और ऐसे लोगों को जो लड़ाई में शामिल नहीं नुकसान उठाना होता है । कभी ऐसा ही भी होता है कि जो लोग फौज में नहीं हैं लेकिन वे अपने देश की रक्षा के लिए आगे आ जाते हैं। ऐसे लोगों के प्रति व्यवहार का नियमन करने के लिए ये कनवेंशन लाए गए हैं और यह इस प्रकार अंधकार में एक रोशनी की किरण के समान है। इस से आगे के लिए आशा पैदा होती है। और ऐसा लगता है कि मनुष्य के स्वभाव का देवत्व पूर्ण विकसित हो जाएगा यह ऐसी चीज है कि जिस पर बहुतों को विश्वास नहीं होगा। लेकिन संसार में ऐसी घटनाएं हो जाती हैं कि जिन की मनुष्य कल्पना नहीं कर पाता। हमारा देश एक ऐसी शक्ति के अधीन था कि जिस के बारे में कहा जाता था कि उसके राज्य में कभी सूरज नहीं डूबता। ब्रिटिश शक्ति से भी हम अहिंसा के द्वारा आजाद हो गए। तो कभी कभी असम्भव भी हो जाया करती है। इसी प्रकार मानव के स्वभाव में परिवर्तन भी क्यों नहीं हो सकता। यह सही है कि आज अनेक देश लड़ाई की तैयारियों कर रहे हैं। फिर भी ऐसा हो सकता है कि इस परिश्रम के बाद, इस प्रकार के कनवेंशन आने के कारण या इसी प्रकार के सम्मेलनों के कारण मनुष्य के स्वभाव में दया का संचार हो जाए और वह दानव के स्वभाव को छोड़ कर देवता के स्वभाव पर आ जाए । इस में कोई आश्चर्य की बात नहीं है ।

इन कनवेंशनों की जो धाराएं हैं उनको आज से पहले हमारे देश ने मान लिया था। लेकिन कुछ बातें रह गयी थीं जिनको कि कानून का रूप देना था। इस के लिए जो यह विधेयक उपस्थित किया गया है उसका मैं स्वागत करता हूं इसका स्वागत करते हुए इसके सम्बन्धमें मैं दो एक सुझाव देना चाहता हूं । इस कानून में कुछ गम्भीर अपराधों के लिए सजाऐं दी गयी हैं । इन गम्भीर अपराधों की भी कुछ श्रेणियां हैं : कुछ अपराध ज्यादा गम्भीर हैं तो कुछ कम गम्भीर हैं। इस में कुछ के लिए कैद की सजा दी गयी है, कुछ के लिए मृत्यु दंड की सजा की व्यवस्था है और कुछ के लिए आजीवन कारावास का दंड है । इसी धारा के दूसरे भोग में—फार अदर केसेज—कारावास का दंड दिया गया है कि जो कि १४ वर्ष तक का होता है । मैं समझता हूं कि हमको इस कानून में कुछ मानीटरी दण्ड भी आल्टरनेटिव के रूप में रखना चाहिए । अगर कोर्ट मुनासिब समझे तो कारावास का दंड न देकर रुपए का दंड दे सके ऐसी व्यवस्था होनी चाहिए । कोर्ट को अधिकार होना चाहिए कि वह कारावास का दंड न देकर केवल फाइन का दंड दे या दो नों दंड दे। अगर ऐसा हो तो मैं समझता हूं कि अच्छा होगा। कोर्ट को यह अधिकार होना चाहिए कि अगर वह यह समझे कि किसी व्यक्ति को केवल जुर्माने की ही सजा होनी चाहिए तो केवल वही सजा दे सके ।

दूसरी बात मैं यह कहना चाहता हूं कि चेप्टर ४ धारा १३ में केवल जुरमाने की ही सजा दी हुई है। उस में लिखा है :

"If any person contravenes any of the provisions of section 12, he shall be punishable with fine which may extend to five hundred

[श्री श्रीनारायण दास]

rupees, and be liable to forfeit any goods upon or in connection with which the emblem, designation, design or wording was used by that person."

अगर कोई आदमी रेडक्रास के झंडे का या किसी दूसरे चिह्न का दुरुपयोग करके रुपया इकट्ठा करे तो उसको जुरमाने की सजा की व्यवस्था की गयी है। लेकिन हो सकता है कि कोई किसी ऐसी संस्था के चिह्न का दुरुपयोग करके लाखों रुपया जमा कर ले और अगर उस पर मुकदमा चले तो उसे केवल ५०० रुपये के जुर्माने का दंड दिया जाय। इस सम्बन्ध में मेरा सुझाव है कि ऐसे मामलों में कोर्ट को अधिकार होना चाहिये कि यदि आवश्यक समझे तो कारावास का दण्ड भी दे सके। केवल जुरमाने की सजा ही नहीं होनी चाहिये। क्योंकि हो सकता है कि कोई व्यक्ति रेडक्रास के या किसी अन्य संस्था के चिन्ह का दुरुपयोग करके लाखों रुपया इकट्ठा कर ले और उसे दंड हो केवल ५०० रुपया के जुरमाने का। यह उचित नहीं है इस में कारावास का दंड जरूर होना चाहिए।

मुझे एक शक है। मुझे मालूम नहीं कि वास्तविक स्थिति क्या है। मुझे आशा है कि माननीय मंत्री इसका स्पष्टीकरण करेंगे। चैप्टर ५ में दिया हुआ है :—

"No court shall take cognizance of any offence under this Act except on complaint by the Government or of such officer of the Government as the Central Government may, by notification in the Official Gazette, specify."

मैं यह जानना चाहता हूं कि "गवर्नमेंट" में सेंट्रल गवर्नमेंट और स्टेट गवर्नमेंट दोनों का समावेश है, या सिर्फ स्टेट गवर्नमेंट से ही तात्पर्य है। बिल में जिस भाषा का प्रयोग किया गया है, उससे कुछ क्लीयरली मालूम नहीं पड़ता है कि क्या सेंट्रल गवर्नमेंट भी कार्यवाही कर सकती है, या सिर्फ स्टेट गवर्नमेंट पर ही यह काम छोड़ दिया जायेगा। सेंट्रल गवर्नमेंट को यह निश्चित करने का अधिकार है कि किसी भी अफसर के कम्पलेंट करने पर, चाहे वह आफ़िसर सेंट्रल गवर्नमेंट का हो और चाहे स्टेट गवर्नमेंट का, कोर्ट काग्नीजेंस ले ले, लेकिन अगर सेंट्रल गवर्नमेंट किसी सेंट्रल गवर्नमेंट के आफ़िसर को अथाराइज नहीं करती है, तो क्या सेंट्रल गवर्नमेंट को भी अधिकार होगा, या सिर्फ़ स्टेट गवर्नमेंट को ही अधिकार होगा। इस सम्बन्ध में मुझे और कुछ नहीं कहना है।

अन्त में मैं कहूंगा कि अन्तर्राष्ट्रीय क्षेत्र में इस प्रकार के कनवेन्शन समय समय पर होते रहते हैं। मैं समझता हूं कि यह बड़ी स्वागत योग्य बात है। कई माननीय सदस्यों ने कहा है कि अब अणु-शक्ति का प्रयोग हो रहा है और अणु-बम बन रहे हैं, इसलिए अब इस प्रकार के कनवेन्शन कारगर नहीं होंगे। अबतक चार कनवेन्शन हुए हैं। जैसे जैसे लड़ाई के तरीके बदलते हैं, लड़ाई से हानि पहुंचने का क्षेत्र जसे जैसे बढ़ता है, वैसे वैसे अन्तर्राष्ट्रीय क्षेत्र में मानवीय भावना से प्रेरित हो कर लोग इकट्ठे होते हैं। खास कर रेड क्रास सोसाइटी और इस प्रकार की अन्य संस्थायें अन्तर्राष्ट्रीय क्षेत्र में मानवीय भावना से प्रेरित हो कर सेवा के क्षेत्र में उतरती हैं। मैं समझता हूं कि जैसे पहले उन्होंने इस तरफ़ संसार का ध्यान खींचा है, उसी तरह जब कभी भविष्य में ऐसा कोई अवसर आयेगा, अणु-युद्ध का खतरा पैदा होगा, तो वे आगे आकर उचित कार्य करेंगी। जो शुरूआत की गई है, अंधकार में जो रोशनी दिखाई दी है, आशा है कि वह रोशनी बढ़ती जायगी और एक दिन ऐसा आयेगा, जब कि यह रोशनी सूरज की तरह निर्दयता, नर-संहार और नरमेध रूपी अन्धकार को सदा के लिए सारे संसार से मिटा देगी।

Shri Narasimhan (Krishnagiri): Conventions of this type are not quite new in this country. Our ancient texts record a number of conventions on these matters, and that too when there were hundreds of kingdoms in this country. In spite of the fact that they were large in numbers and they were antagonistic and warring against each other, still they had conventions. When we read *Mahabharata*, we find that there was a convention there that there should be no warfare after dusk. Both sides returned to the camps after dusk. That being so, it is not very strange for us to be interested in a measure of this kind.

Coming to the Bill, I think it would have been more useful and informative if the Ministry had circulated to us the number of countries who have already agreed to these conventions. Today I do not think we have any data about it. We are asked to pass this measure without fully knowing how many others have already passed it. Notwithstanding that, it is not dangerous because quite a number of countries have already passed this by way of legislation and so it is not a sort of miserable unilateral action. But we would like to have more information on that point.

Mr. Deputy-Speaker: Would that information influence the hon. Member's decision to vote for it?

Shri Narasimhan: Yes, Sir. Suppose we are the only country which has unilaterally passed this measure. Then it would have no value. On the other hand, if it has been passed by a number of countries, it will have some value.

Dr. M. S. Aney (Nagpur): It is not a unilateral action. Conventions have already been passed by that body (U.N.O.). So, it is a solitary action.

Shri Narasimhan: It is one thing to profess to do certain thing. It is another thing where statutorily every country has agreed to part with sovereignty over its nationals to be tried by other countries and to similarly treat the nationals of other countries. One would like to know how far this statutory commitment has been followed by others. It is the kind of information which the Ministry should, by the way, circulate before bringing a measure of this kind before the House. It is only by way of information that I have asked for it. How many countries have followed it and in how many countries is it under consideration? We would like to know in what good company we are in taking such steps.

Then, as Shri Shree Narayan Das has stated, while we are progressing in some matters on one side, in other matters we are regressing. The whole world is shocked by the news that countries have been poisoning the world atmosphere, poisoning not only this generation but also the future generation. No convention has, however, successfully attempted to control that. No doubt, important countries have suspended tests, but we find another country, France, is threatening to do it in Africa. There is only the Arabian Sea between us and Africa. Therefore, we are naturally affected and worried about it. The countries of Africa and the United Nations are also worried over it. Still, France is going ahead with its programme. That is also a matter which we cannot completely ignore. When this kind of anti-social activities are going on in one country against the wishes and desires of the rest of the world, it makes us pause and we even get frightened about our future. Apart from knowledge of nuclear and thermo-nuclear weapons and intercontinental ballistic missiles, as if what we have already in possession are not enough, more powerful long range or distance missiles are being attempted. They are projecting missiles from one country to the neutral seas, which are common for all, and the ships passing that way are asked to divert them. That way our freedom is being restricted. Recently, we find the Soviet Union tested a most powerful ballistic missile by sending it to the Pacific ocean. It has caused certain amount of dissatisfaction among the western countries and the United States. So, while most modern countries are per-

[Shri Narasimhan]

sisting more or less, as they like, on the experiments of the latest weapons, how far these Conventions are going to be successful is a matter of debate. But I hope that when we go on doing good things, the outlook of the world will also improve. It is in that spirit that we have to adopt these measures.

We were also deeply interested when we found that in our border skirmishes also this question was raised, and the Defence Minister has also referred to it by saying that our soldiers were very badly treated, against the spirit of the Convention. Therefore, it would be very necessary to settle the law on these matters and do our part to improve the international atmosphere. So, I welcome this measure warmly and I hope that by and by the world will settle down to normal life and mutual appreciation.

Shri Krishna Menon: Permit me to express appreciation of the Government to the general welcome given to the Bill that is placed before the House, which was to be expected. At the same time, the House has not taken an attitude of understanding when it applied its mind critically to the provisions of the Bill, and perhaps if I make one or two general observations they will clear some of the doubts that have been raised. We are not here dealing with the text of the Convention. These Conventions were signed in June 1949 by 64 nations, of which we are one. It was ratified afterwards and soon after it came into force. It has been in force in this country for nearly seven or eight years. So, when we deal with the provisions of the Convention we are perhaps forgetting the fact that all that is concerned in the present Bill at the present moment is the powers to implement certain provisions, particularly those relating to legal enforcement. The other problems that have been raised require consideration on merits but not on this context. There was reference to the State of Jammu and Kashmir. The question of extending to the State of Jammu and Kashmir, whatever its relevance may be to other matters, could have no relevance to this, because it is an external matter. It is never in question whether external policy of any part of the Union is not within the competence of the Central Government.

The issue was raised as to why we should refer to grave breaches, why the word 'grave' should be introduced —it has been mentioned in these provisions—and also how our courts would enforce these vague provisions. With regard to the first I may say that this Bill is intended to implement the provisions of the Conventions already existing. If a reference be made to clause 50 of the First Convention, to clause 51 of the Second Convention, to clause 130 of the Third Convention and to clause 147 of the last Convention, it will be found that all those refer only to these grave cases and they are things on which we have to take action. In fact, we are implementing what is in the Convention. There is no need for us to go further.

15 hrs.

About other matters perhaps I should have said in the opening address. Most of the obligations that this country undertakes under this Convention can be dealt with administratively. It is possible to do so about most of them. But since it involves certain inroads into or certain modifications of our jurisprudence, since it involves the provision of penalties of a severe character and other provisions for the protection of emblems, it has been necessary to bring this Bill.

An objection, which would be serious if it really contained much substance, would be the question of burden of proof. As you, Mr. Deputy-Speaker, pointed out, the company as a whole is liable. If it is made liable, it cannot be a corporation here, it must be some person concerned. Actually it is giving a provision for him to defend himself and get out of this matter. Therefore, there is nothing in that provision for which anyone need be apprehensive. The same applies to the presence of legal practitioners. These are particularly cases where the prisoners of

war brought before the tribunal concerned, or whatever it is, may be very sullen and may not yield to the court as happens sometimes in murder cases when the accused stands mute and does not give any reply or pleads guilty or not guilty. It is an obligation of the contracting party or the State concerned to see that whoever is the party is not treated without the necessary legal assistance. Therefore, it will rest on that State to provide legal assistance whether they want it or not; otherwise the trial cannot go on at least morally according to the canons of judicial process.

Mr. Deputy-Speaker: The objection taken was that if the accused says that he refuses to accept the legal aid, then what would happen. Shall it be forced upon him?

Shri Krishna Menon: There is the obligation. According to this law, we would have to provide legal aid because the matters concerned would be of a complicated character which a person would not be expected to know and the refusal would be of this type, of non-cooperation, preventing the purposes of the Act. That is the idea. In fact, we have taken very largely—there is no harm in saying so—from the British and other nations who have ratified it.

With regard to the question as to why we make a discrimination between the wounded and the prisoners of war and why there should be better treatment to prisoners of war than to others, it is really a misunderstanding of the position. Wounded people are in our custody. They will not be prisoners of war. There is a legitimate question with regard to the delay in this matter.

After the Convention was passed and ratification given effect to it, five or six years have elapsed: firstly because of the priority of other legislative business and secondly because no doubt this country had intended to sit back and see as to what other people were doing. It was only a year and a year and a half ago, just before we introduced the Bill for the first time, that Australia, the United Kingdom and so on passed legislation of this type. Although this Bill had not been introduced and had not received assent, still the adherence of this country to the Convention remains, as I said, for seven or eight years.

Serious suggestions have been made in regard to the enforcement of these provisions, namely, that they would remain a dead letter, whether we could not set up an international authority, whether some country—this country, it was suggested—could not be an asylum for people to come in and so on. With great respect I may say that this kind of sentiment comes very often from idealistic people and it completely ignores the realities of the world and the realities of the United Nations. There is no international authority in the world. The United Nations is not a super-State. It would be contrary to the purpose of the Charter if the personalities of member-States were to be ignored. The only sanctionary power that comes in international decisions is by measures of this kind by the sovereign legislatures of the sovereign organs of the country operating according to agreed decisions, whatever they are. We are all free nations. The smaller the nation the less it would be willing to give up its power in that way. They may contribute when the time comes, when there is world law and world authority. They may perhaps change but at the same time, it is difficult enough to get nations together to agreement on small matters. In this Convention itself, if it was necessary to go into the history of it, one would have pointed out that it represents a compromise between nations who do not go to war and who do not suffer by it, and nations who suffer by it, and who raise objections to their nationals being tried by others. This is a kind of compromise between all of them. It would be impossible in this world today to have a super-State authority whose will will prevail. Ultimately, as things are, sanctions depend upon force. If a law that was emanating from a super-State were passed on to individual States which

[Shri Krishna Menon]

have to accept it or obey it or conform to it and if that was not done, the suggestion is that there should be action taken. What action would that be? There is no provision now. We have gone further than the previous laws in this by bringing a foreign national within the municipal jurisdiction of another country. This is a great step forward. But it is suggested that a country should be forced. The ultimate force is war. That we are trying to avoid. This arises from the idea that the United Nations is really far more powerful. Its character is rather different than what it is. It is not a super-State, it has no executive authority, it has no legislature, its General Assembly is not a Parliament. It is merely a concert of nations representing public opinion of the world and it is described in the Preamble of the Charter, "We, the people of the United Nations". When it comes to its operational aspect, it functions through its various organisations where even the form of resolutions is to leave things in the air. Every resolution that is passed by every organ of the United Nations, apart from the Security Council, simply says, "It recommends". It does not say recommends to whom. It says recommends and leaves it there.

Therefore for doing anything to prevent in this matter, we must depend upon the countries adhering to the Convention, carrying out their obligations. That applies to all conventions. There is no law in the world. There is no world law which can compel the adherents to a convention. All I can say is that at best all the consequences of treaty breaking follow. In this case, they are moral consequences. In other cases, other sanctions may arise. The convention is adhered to, it is deposited in the United Nations and when it is deposited it is generally believed now that there is something like a sanctity of a treaty. But, of course, it all depends on, in international law, what you can obtain.

What happens to countries that are not parties to the Convention? The Convention naturally binds only those who accept it. But in practice, it is open to the party accepting it, if the party on the other side is not an accepting party, not to give the benefits of it. But it becomes a convention for the party accepting it to accept it as a moral obligation, to carry out its implications because the whole thing, as said, is based upon humanitarian conditions and conditions of conscience.

A question was asked whether many people have signed the Convention. I think I have said this morning that 61 nations signed it in August.

A question was also asked whether our country took any part in it. The hon. Member was not here. The Government of India passed on the working of this to the Legal Department of the High Commission in London in 1949. I was there. The principal delegate was Sir Dhiren Mitra. The Principal Legal Adviser was assisted by his colleague, the second Legal Adviser, Shri R. A. Narayanan. Sir Dhiren Mitra was the Chairman of its principal committee. Both as a Government and through its agencies we made a great deal of contribution to this.

A question was asked as why there should not be some other emblem rather than a cross. Here I have to refer to the Convention. The emblems are prescribed in all the Conventions and you will find in Chapter VII, article 38 of the First Convention that:—

> "As a compliment to Switzerland, the heraldic emblem of the red cross on a white ground, formed by reversing the Federal colours, is retained as the emblem and distinctive sign of the Medical Service of armed forces."

This even we accept, and apart from the Convention the Red Cross has become a hospital sign more or less because of this.

> "Nevertheless, in the case of countries which already use as emblem, in place of the red cross, the red crescent or the red lion and sun on a white ground, those

emblems are also recognized by the terms of the present Convention."

I believe in the First World War, Turkey or some other country introduced the Red Crescent. If it were suggested that each nation should have an emblem of its own, the whole purpose of it would be defeated, there would be no international recognition in that way. There would be as many emblems as there are countries. Anyway, so far as this Bill is concerned, the purpose is to prevent people who do not have the title to use this sign from using it for certain purposes. For example, the red cross sign would have certain exemptions from action by the State, they would have certain rights of passage and so on. If, for example, smugglers, traders of any kind, were to cover up their goods with the red cross sign and therefore become immune from State action, that would be a bad thing. That is the purpose of protecting these emblems. Unless under the law its wrong use is illegal, it can be misused. It has been so done in other countries, and that is why it has come here.

There is an extra provision regarding the Swiss emblem itself. That is because the Swiss emblem, the silver cross, looks very much like this one, and it can be passed off among the masses of the people who are not very familiar with it; and that is why, though the Swiss Cross itself is not an emblem and only the Geneva Cross is the emblem, that is also included in this legislation.

I believe there is only one point left, and that is with regard to China. The question was asked whether China was a party. I think the Prime Minister gave an answer to this in another connection. This morning when I was presenting this Bill I pointed out that when the issue of the repatriation of Korean prisoners of war came up or rather when the Korean deadlock had to be broken, though China was not directly concerned, she was the real, principal party concerned on one side, and this country had a great deal to do with finding a way out of it. It was deadlocked for several years and we found a way by invoking the Geneva Convention. At that time also it was raised. In this connection I may point out that on July 13, 1952 the following two statements were issued by Mr. Chou En-lai, Minister for Foreign Affairs of the Central People's Government of the People's Republic of China. I will not read the whole of it, but the relevant extracts:

"In accordance with Article 55 of the Common programme of the Chinese People's Political Consultative Committee, which provides:

'The Central People's Government of the People's Republic of China shall examine the treaties and agreements concluded between the Kuomintang and foreign governments, . . .

—the Kuomintang had accepted it—

' . . . and shall, in accordance their contents, recognise, abrogate, revise, or reconclude them respectively,'

"the Central People's Government has examined 'the Convention for the Amelioration of the condition of the wounded and Sick in the Armed Forces in the Field', "The Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Force at Sea', "The Convention Relative to the Treatment of Prisoners of War' and "The Convention Relative to the Protection of Civilian Persons in Time of War', which were signed in Geneva on August 12, 1949 in the name of China (i.e. at that time the Kuomintang)."

"The Central People's Government considers that the contents of the above-mentioned conventions are basically conducive to a lasting peace among all nations and are in conformity with humanitarian principles and therefore has decided to recognise them."

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There are also other details, and the final part of it is:

> "The Minister of the People's Republic of China to Switzerland has been instructed to transmit the present statement to the Swiss Federal Council by note, for communication to the Governments of the Contracting Powers of these conventions."

Therefore, we are the receipients of this from China, and since they have sent it to us, and we are one of the signatories, she is as much bound by this Convention as any other country. All this has become necessary because China was not represented by her Government, but by somebody else.

The same applies to the question of having an international authority which would compel somebody. The first thing to have an international authority to have any influence at all is that everybody must come into the international organisation.

It was said: why can't we have a place somewhere in the world where all the peoples can be kept safe? First of all, no country would be willing to allow its territory to be used for that purpose, because, obviously, it means it has to become some sort of international terrain, and that is quite impracticable. Over and above that, if the provision is against modern conditions of war, then no terrain would be free from the impact of radiation and things like that. On the other hand, if it were in terms of conventional war, it will be very difficult to find a country of that kind, and even if a country agrees, it will be very difficult to convey everybody to that place. Anyway, there is no possibility, there are no proposals before the United Nations for setting up an international authority of this character. It is most unlikely that they will find any acceptance, unless and until the cold war situation is resolved, there is no tension in the world and an international police authority or something comes into existence and we move towards that or, as some statesmen have predicted now, we move into the situation of a warless world, in which case the Convention becomes somewhat irrelevant.

It was, I believe, on Resolution II of the resolutions passed at the end of this conference in Geneva in 1949 that the French Government did suggest something of this kind, not of this kind but to set up an international committee for advancing the purposes of the Convention. That was proposed, but anyway, nothing seems to have been done.

A believe I have answered all the points raised. I hope it will be possible to get this Bill passed with appropriate expedition.

Mr. Deputy-Speaker: The question is:

> "That the Bill to enable effect to be given to certain international Conventions done at Geneva on the twelfth day of August, 1949, to which India is a party, and for purposes connected therewith be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

> "That Clauses 2 to 20 and Schedules I to IV stand part of the Bill."

The motion was adopted.

Clauses 2 to 20 and Schedule I to IV were added to the Bill.

(*Amendment made*)

"Page 1, line 5,—

for "1959" *substitute* "1960"

[*The Deputy Minister of Defence. Sardar Majithia*]

Mr. Deputy-Speaker: The question is:

> "That Clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Sardar Majithia: I have a similar amendment for the Enacting Formula.

Shri Jaipal Singh: (Ranchi West—Reserved—Sch. Tribes): It does not arise; it is automatic, because it is consequential.

Mr. Deputy-Speaker: It is not automatic; it ought to be done there also.

[*Amendment made*]

"Page 1, line 1,—

for "Tenth Year" *substitute* "Eleventh Year"

[*Sardar Majithia*]

Mr. Deputy Speaker: The question is:

"That the Enacting Formula, as amended, stand part of the Bill".

The motion was adopted.

The Enacting Fromula, as amended, was added to the Bill.

Mr. Deputy Speaker: The question is:

"That the Long Title stand part of the Bill"

The motion was adopted.

The Long Title was added to the Bill.

Shri Krishna Menon: I beg to move:

"That the Bill, as amended, be passed."

Mr. Deputy Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

15.20 hrs.

DISPLACED PERSONS (COMPENSATION AND REHABILITATION) SECOND AMENDMENT BILL

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): I beg to move:

"That the Bill further to amend the Displaced Persons (Compensation and Rehabilitation) Act, 1954, be taken into consideration.".

While moving this motion, I have no intention of making a long speech. We passed the parent Bill about six years ago, and I am glad to say that in spite of the fact that it was a new Bill, and we had hardly any precedents or any material to fall back upon, yet the Bill that this House passed about six years ago has withstood the test. Under that Bill, we have been able to disburse compensation to nearly 4,50,000 displaced persons, out of a total of about 4,80,000 or 4,90,000. We have paid compensation roughly to the extent of about Rs. 150 crores. I may be a little wrong here and there, but the major part of the work for which that Act was enacted is now nearly complete.

But during the course of the working of that Act, we have been faced with certain ambiguities and anomalies. It is with a view to remedy them that I have brought forward this brief amending Bill, so that the remaining work of payment of compensation could be expedited, and we can come to the stage when we can say that the work for which this Ministry was set up has been completed or finalised in the Western Region.

Shri D. C. Sharma (Gurdaspur): The hon. Minister always says that.

Shri Mehr Chand Khanna: I get encouragement from my hon. friend.

I shall only refer to three or four important clauses of this Bill. The first is in relation to the amount advanced by us to the co-operative societies

[Shri Mehr Chand Khanna]

Under the compensation rules, all amounts advanced by the Government of India to the State Governments, whether for the setting up of colonies, whether for the setting up of trade business and small industries, or for training and allied purposes, which go to help in the rehabilitation of displaced persons, have been treated as public dues. When they are public dues, the displaced person gets a large number of concessions. From a certain stage, interest is not recovered; then, the dues instead of being paid in cash, can be set off against the claims or the statement of accounts. I can give you one instance. Under the Rehabilitation Finance Administration, loans were advanced to the extent of about Rs. 5 to 6 crores. They were paid in cash, and there was no limit of Rs. 8000. While in the case of high priority cases like those of widows and orphans, the old and the aged, we have laid down a high priority and also a high ceiling of Rs. 8000 in cash, in the case of the Rehabilitation Finance Administration loanees, there is no ceiling. Even if a man had received a loan of Rs. 50,000 and that loan had to be repaid in cash, we have, under the compensation Act and the compensation rules given him the facility to have that loan adjusted against his claim, or for the matter of that, he can even associate others. But, in the case of loans advanced to the co-operative societies, we found later on that while the rest of the loans which had been advanced under various heads and which amounted to several crores of rupees could be treated as public dues, the loans that were advanced to the co-operative societies could not be treated as public dues So, I have brought forward this amending Bill with a view to treat the loanees of the co-operative societies on par with other loanees under the compensation scheme.

In fact, this measure is with a view to help and assist the displaced persons. Instead of their paying the loan that they received from us in cash, I am giving them the facility to repay the loan by adjustments of claims or by association of claims.

Another important amendment that I am placing before the House is in relation to the properties which are declared non-evacuee. About ten or twelve years ago, under the abnormal condition that then provailed, when there was a mass exodus of human population from India to Pakistan and from Pakistan to India, thousands and lakhs of properties came under the custody of the custodians, and they vested in the custodians. Experience has shown that in certain cases, these properties should never have been declared as evacuee property. Though their number, in proportion to the properties which were declared as evacueee property, is very small, still, one feels that for a national of India who had never left the shores of India if his property is declared as evacuee property and disposed of, it means a very great pang. And who should appreciate it more than we, the refugees who have come from the other side.

So, as you are aware, under section 16, if an application is made to the Ministry, and it is held that this property has been declared evacuee property wrongly, then Government have the power to restore that property to that person from whom we had taken it over. We have dealt with thousands of cases, and in a very large number of cases, the property has been restored under section 16, I mean, the application made under section 16. I think the value of that property is Rs. 3 to 4 crores.

Now, we have made a provision that as far as possible it should be our effort to restore the house of the person concerned, but, if unfortunately the house had been taken over and disposed of under the compensation scheme, then we have laid down certain alternatives, and the alternatives are that we can pay him cash, or we can give him another house or we can give both cash and another house.

The idea is that we should not give that unfortunate man the feeling that, on the one hand, by a wrong deed on my part, his property was declared evacuee, and on the other, he had to go and fight for a number of years to have his property restored to him legally, and once that has been done, it is but fair and reasonable that he should get back the house which was his house, his father's house or his grandfather's house. But, if it was humanly impossible to restore that house, because the house may have been sold or may have changed hands, then certain difficulties would arise, but subject to some arrangement that can be made and such satisfaction as can humanly be given, the idea was to restore that house to the original owner. But, lately, we have come across two more categories, where I feel that similar treatment should be accorded to the person to whom the house is being restored under section 20. And those two are under section 27 and in cases where separation of evacuee interests takes place. I need not go into the implications of section 27. They are fully known to the House, because they were passed by this House. But if under section 27, an order is passed to the effect that the original land or house should be restored to the person to whom it belonged and in the case of a property which the competent officer has held to be separable, and where the interest of an evacuee from a non-evacuee is separated, and if in the meanwhile, unfortunately, that house has been sold, there too I feel that the person to whom this property has to be restored, legally and morally should be given the same treatment as is being given to a person to whom a house is to be restored on an application under section 16.

15.31 hrs.

[SHRI MOHAMMED IMAM *in the Chair*]

There is one more matter to which a reference is made, that is, concerning the Advisory Board. I do not wish to be misunderstood in this connection. The Advisory Board is a statutory body set up under the Act to advise my Ministry on matters relating to the implementation of the compensation scheme. To the members of the Advisory Board, those who had worked on the Board before and those who are working on the Board now, I wish to pay very candidly and sincerely my tribute for the work they have done. Unfortunately for me, the work in this Ministry is not very properly appreciated.

Shri D. C. Sharma: No, no. We all appreciate it.

Shri Mehr Chand Khanna: I do not want to go into that question. But there are Ministries which started with Adam and, God knows, will last till the world lasts.

Shri D. C. Sharma: As the work comes to an end.

Shri Mehr Chand Khanna: Those Ministries have certain items of work to do. They are productive. They have many things to do whether in the field of agriculture, whether in the field of planning or in any other field. But my Ministry has to deal with unfortunate human beings, the number of whom is over 9 millions.

I have heard many things about my Ministry.....

Shri Narayanankutty Menon (Mukandapuram): And yet want to hear more!

Shri Mehr Chand Khanna: I have no regrets.

Shri Braj Raj Singh (Ferozabad): In hearing?

Shri Mehr Chand Khanna: I am only proud of one fact, that I had an opportunity to serve that suffering humanity, whose pangs only some of us who have been through that mill can appreciate.

Shri D. C. Sharma: What is all this talk of having no regrets and so on?

Shri Mehr Chand Khanna: No regrets in the sense that my hon. friend knows that here in this Ministry there is hardly any patronage; there is hardly any such thing, except brickbats. There are no bouquets.

Shri Braj Raj Singh: That means in other Ministries there is patronage.

Shri Mehr Chand Khanna: He can say that.

I can tell you without meaning disrespect to my colleagues that I have heard questions being answered in this House, questions such as 'When will you have a fertiliser plant in Madras'? 'Will you have a textile mill in UP?', 'Will you do this for this State?', 'Will you do that for that State?' and so on. Unfortunately, so far as my Ministry is concerned, I have to take unfortunate people from one State to the other. If I take them, I am in a bad way. If I do not, I am again in a bad way. I hope a Resolution, of which notice has been given by some of my hon. friends opposite, is admitted and comes up before the House.

Shri Braj Raj Singh: Why not bring it as an official Resolution?

Shri Mehr Chand Khanna: I say so because that Resolution will indicate one thing, and that is, that outwardly people profess great sympathy and love for the refugees, but where their own States are concerned, they want to keep them away and confine them to the State which has reached the saturation point.

Anyhow, I have diverted a little. I hope you will forgive me. What I was trying to tell the House was that I have brought forth a few amendments. This is with two ends in view. One is for the smooth working of the Act. Certain difficulties have arisen and some judgments have been given by High Courts and other honourable Courts. Those ambiguities have to be removed. Secondly, I want that equal treatment should be accorded to a DP, whether he is a loanee of the RFA or he has received loan from a co-operative society. Again, I want that the interest of a national of this country should be adequately safeguarded, and he should not feel that with a view to advance the interests of other displaced persons, his interests are either being jeopardised or are being sacrificed.

These are some of the amendments that have been brought forward. I do not want to deal with the amendments to the Bill at this stage. But when they come up, I will try to deal with them one by one.

Mr. Chairman: Motion moved:

> "That the Bill further to amend the Displaced Persons (Compensation and Rehabilitation) Act, 1954, be taken into consideration".

Shri Ajit Singh Sarhadi (Ludhiana): Mr. Chairman, my first reaction on learning of the introduction of this Bill was that probably the hon. Minister wanted to accelerate the liquidation of the Ministry and also to eliminate the distinction between a displaced person and others in this country. But when I went through the provisions of the Bill, I felt very much surprised to find that it was quite otherwise.

I crave the indulgence of this House to draw its attention to the policy laid down by the hon. Minister at the time of his budget speech last year and to judge this Bill in the light of the observations, he then made. I must say at the outset, that I am alive to the service this Ministry has rendered to the refugees and the way compensation has been paid and the zeal the hon. Minister has shown in the service of the displaced persons. I also appreciate that within a short time since last year he has done a lot to complete the work that was left. All the same, I beg of the House to see whether the Bill, as it is, does implement the policy, he enunciated at the time of making his

budget speech or it is quite otherwise. He said then:

> "This is not a Ministry which can be made a permanent Ministry. If it was, the real object of rehabilitation would be defeated. Whether I call it suicide....."

I leave that observation aside. He went further to say:

> "I feel the greatest achievement that the Ministry can achieve is to liquidate itself for the obvious reasons. Firstly, I want to complete my work. Secondly, I want my displaced friends to be bodily integrated in the life of the country and not to be called displaced persons for all time to come".

I beg of the House that the Bill should be seen in the light of these two principles, firstly, whether the passing of the Bill would liquidate the Ministry, and secondly, whether it would eliminate the distinction between a displaced person and others.

Now, there are four provisions of the Bill to which the hon. Minister has made a reference. I will also try to confine myself to these provisions. The first provision of the Bill to which I wish to make a reference is this. This relates to Clause 4. Clause 4 proposes that the managing officers and the managing corporations should be authorised to assess the rents of the properties acquired and excess in possession of the allottees. It has been stated here that the rents will be assessed "in accordance with the principles of assessment of rent as may be specified in this behalf by the Central Government."

Now, Sir, that relates to the first provisions which this Bill proposes to bring on the statute-book. In this connection, there are two things which we have to consider. The clause relates to the acquired property which, at one time, was evacuee property and which belongs to the Government now. This Bill authorises the managing officers and the managing corporations to assess the rent, fix instalments, and, if the dues are not paid in time, to realise them as land revenue. Sir, I would beg to submit here whether this provision would terminate the existence of the Ministry or the officers of the Ministry or whether it would prolong their existence. I wish to ask whether the machinery of law as we have it now would not meet the situation as it stands. We have got to see it from this point of view So, what I would wish to submit for the consideration of the House is this. Authorising the managing officer who is himself the claimant of the rent to assess it in accordance with the principles laid down by the Ministry is contrary to the principles of jurisprudence and even judicial decency, if I may say so. Here, the claimant himself is the judge to fix the amount to be realised. I think that is not fair. It should be done by some other machinery. This machinery should hear the two parties and come to independent conclusion.

Then, Sir, it may be stated that certain rules have been prescribed by the Punjab Government saying that six times land revenue should be charged where the excess land is in occupation of displaced persons. That does not apply here. At the time of the issue of the ordinance in the year 1950 the Punjab Government definitely notified that those who are or would be in unauthorised occupation of any land would be charged six times land revenue. Now 12 years have lapsed since some persons in towns have been occupants of evacuee or latter acquired property. They are told now that they would be liable to pay at the discretion of the managing officer in accordance with the prescribed principles with retrospective effect. That would be most unfair. Not only would it be unfair, but it would, in my opinion, be against judicial decency and all principles of jurisprudence.

[Shri Ajit Singh Sarhadi]

The object of the Ministry is to remove or eliminate the distinction between the displaced persons and others. That is the basic policy which the hon. Minister has been pleased to lay down. Is this policy implemented by this Bill? If you are going to give special and discriminatory treatment to a displaced person as against a person in occupation of other Government property, by authorising the managing officer to fix the assessment thus discriminating that displaced person as against other persons who are in occupation of properties which are not acquired properties, is not such a thing contrary to the provisions of the Constitution? Is it not contrary to Article 14 of the Constitution? Is this equality of law? How far this would be legal is a point for the Ministry to consider? What I am saying is that this will be perpetuating the distinction between the two instead of eliminating it? Now, as it is, all evacuee properties, excepting certain categories, are Government properties. As such, does it not come within the definition of 'Public premises' in accordance with the Public Premises (Eviction) Act? In respect of realisation of dues from the displaced persons, they can easily be taken under the Public Premises (Eviction) Act. Even if some minor changes are necessary to meet the exigencies in this case, certainly the hon. Minister could advise the Works, Housing and Supply Ministry to bring in an amendment to the Public Premises (Eviction) Act. For the information of the House, I would like to mention about the provisions of the Public Premises (Eviction) Act. There, public premises have been defined and if the estate officer is of the opinion that any person is in unauthorised occupation of any public premises, then he can be evicted and the dues may be realised. If we have already got such an Act I am unable to understand why we should have a special Act like this applicable to displaced persons only.

Now, Sir, there is one main provision to which I wish to draw the attention of the honourable House. In accordance with Clause 4, the second part, where the amendment is made to section 19, it has been stated that the managing officer, in addition to the authority to assess the rental, has also got the authority to make an assessment pertaining to the damage done to the property. That, Sir, is proposition which looks rather funny. Here, power has been given to the managing officer to assess the damages. He has been given power to see whether a door has been broken, or whether any damage has been done to the property. Here again, is not the procedure perpetuating the existence of the managing officer and the existence of the Ministry in that way? The damage is already there. It is a Government property and in case some damage by the occupant or the holder thereof has been done, the ordinary course of law is there and he can be proceeded against. Why should the managing officer, a person, who is not very well paid, proceed to assess it? So, I would submit that this provision is not only against the provisions of the Constitution, but it is also against the basic principles of jurisprudence and it would be very hard for the displaced persons and the persons who occupy such properties.

There is another point to which I wish to make a reference. This relates to the declaration empowering the Central Government to give property in lieu of that property which has been declared evacuee property. So far as the basic principles here are concerned, I do not join issue on that matter. If a property has been wrongly declared as evacuee property and belongs to somebody who has become a sufferer, he should certainly be compensated. But here again, I would ask the hon. Minister to keep in view one point. There has to be a limit to certain things. We are in the eleventh year of the Republic and in the thirteenth year after partition. If a gentleman whose

property has been declared to be evacuee property in 1947, 1948 or 1949 and if it has been entered in the register of the managing officer of the town and if he has not moved his little finger to get it declared as non-evacuee property, there has to be some limitation. The law of limitation is for the purpose that there should be a certain bar to the assertion of a right. If a man suffers from such laches, should it be fair that you should displace a person and take out from the compensation pool some property which is given in exchange? I said about the basic principle. I do not deny it from a moral point of view, but we have got to implement it in actual practice the principles of law of limitation also. Here again, I would submit that that would not be justified.

Now, the fouth provision in the Bill is rather more surprising and the hon. Minister has not referred to that and that is contained in clause 7. The objective of this clause is this that even those claims which were barred in 1954 when the principal Act was enacted, and about which no provision was incorporated then and it was left like this subsequently, even if they are time-barred, may be taken. The provision is brought now that even those claims that were barred in 1954 at the time of enactment would be restored. It is stated:

> "In section 21 of the principal Act, in sub-section (3), after the words 'is barred', the words, brackets and figures 'or was, at the commencement of the Displaced Persons (Compensation and Rehabilitation) Amendment Act, 1956, barred' shall be inserted."

That means, even if they were barred at that time, they would be restored and the managing officer or the managing Corporation shall have a right to proceed against for their realisation.

My submission is, you are not only over-riding the provisions of the Limitation Act, but it is also contrary to the Constitution inasmuch as you deal with one person differently, because the Limitation Act applies to one and you deal with another person differently because he happens to be a displaced person in occupation of the acquired property—I would not call it evacuee property. You discriminate between the two persons. It would be against the provisions of the Constitution. It is contrary to the principles of justice, equity and good conscience, and I beg the hon. Minister to consider this.

I would not go further. As I said, I am grateful and the 9 million people —of course, I can speak of 47 lakhs who have migrated from West Pakistan—are all grateful for the work that the Ministry has done. We are grateful to the Government. But I do say that I do not think the Ministry would be fair enough to give a parting kick. It has done so much with grace and with energy. They have done much for us. They should reconsider whether, when we have a machinery of law about the realisation of damages, about realisation of mesne profits, about realisation of rents and also about evictions we have a machinery of law, why we should have a special legislation of the kind and what is the necessity of this Bill which has not been found necessary from 1947 to 1954 and from 1954 till today.

Therefore, I would submit that the hon. Minister would do well to withdraw the Bill and if he does not do it I would like to ask him to consider the amendments that I have given.

Shri D. C. Sharma: Mr. Chairman, after listening to the speech of the hon. Minister and the speech of the hon. Member who preceded me, I feel that this Bill is not as non-controversial as the hon. Minister made it out to be. I also feel that though the intention of the hon. Minister is to bring in this Bill to ensure proper

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and smooth working of the Compensation scheme, its result is going to be just opposite. This Bill is going to be—if I can put it in that way—a disruptive Bill. This Bill is going to unsettle things which have been settled. This Bill is going to raise controversies which have been laid at rest. This Bill is going to create problems which have been solved. This Bill is going to shake up the whole scheme of Compensation and to shake up whatever things that have been done now.

I, therefore, think that this Bill has got to be looked into very carefully. About the judicial aspect of the Bill, my friend Mr. Ajit Singh Sarhadi has spoken very eloquently. Now, I want to speak about the administrative aspects of this Bill. It is true that this Ministry of Rehabilitation has no patronage to offer, according to the hon. Minister. Well, I think, this Ministry—if what the hon. Minister said is correct—is a Ministry of angels and its proper place is in heavens. I am one of those unfortunate persons, very very unfortunate persons—and, I think, there are some other Members of the Lok Sabha who are equally unfortunate though they may not have the courage to say so—who is told tales of all kinds; they may be true or false. There is a story about a hotel here and that hotel was evacuee property, but by certain manipulations that hotel has been given to somebody who is not a displaced person. There have been cases about that hotel all along the line and the cases have gone from one court to the other.

Shri Sinhasan Singh (Gorakhpur): Which is that hotel?

Shri D. C. Sharma: And somehow the provisions of the judgement have been flouted (*Interruption*). I would request the hon. Member not to treat this Lok Sabha as something which. I think, is not a very good forum. Anyhow, I was submitting very respectfully that this Ministry has specialised in two things. In the first place, it has specialised in the multiplication of officers. I think, this Ministry deserves congratulations for creating so many officers and it also deserves congratulations for giving them new names. This is a great act of ingenuity. Those officers are there, but they are being called by new names: managing officers; why not call them mismanagement officers? They are called competent officers; I think, they should be called incompetent officers. Anyhow, this Ministry has specialised in creating new categories of administrators. It has specialised in giving wrong names to right persons, or right names to wrong persons. I do not mind what the name of an administrator is. I do not mind how many administrators you have. After all, we have to depend upon the picture that is given to us by the hon. Minister whom I admire greatly. But, Sir, I am very reluctant that these managing officers, these Settlement Commissioners and Deputy Settlement Commissioners and Competent Officers should be given such powers. In other respects, in other spheres, we talk of democratic decentralisation. But, in the Ministry of Rehabilitation we talk of not democratic decentralisation but of democratic overcentralisation. For instance, take clause 4. Who is going to assess? Take the other clauses.

16 hrs.

Shri Mehr Chand Khanna: Who assesses, now, Sir?

Shri D. C. Sharma: I do not care who assesses now. I say that you should not give more powers to these persons. Every Bill that you bring forward gives them additional powers. We have got used to these dozes, which you have already given us. I say this is an over-doze; and, therefore, I am complaining against this. In clause 6, who is going to be the Competent Officer? Therefore, my first complaint against this Bill is

that these officers are having the favoured nation treatment. That is to say, they are given more powers.

Now, Mr. Chairman, with whom have they got to deal? They have got to deal with persons who are not educated; they have got to deal with persons most of whom are illiterate, persons most of whom live in villages far away from these officers. What I want to say is this. Already there is a lot of complaints against these officers. If the hon. Minister does not hear them, I am very happy. But I do hear them wherever I go. You give them more powers to sit in judgment over the cases of those half-educated and uneducated persons who are living far away from them. I would, therefore, say that some loophole should be provided so that the sufferers at the hands of these competent officers, at the hands of these managing officers and at the hands of these Settlement Commissioners and all these officials get some redress.

I am one of those persons who write many letters to the Minister of Rehabilitation. So many persons come to me. I say in the fairness of things that the Minister of Rehabilitation is one of the Ministers who are prompt in replying to these letters. I say that. But the net result of the replies is almost nothing. I do not want that more power should be given to these officers.

Now, some persons have taken loans. There is no doubt that these loans have to be recovered. I do not deny that. But the loans should be recovered in accordance with the principles that have been laid down by the hon. Minister. He is very sympathetic to the suffering people But, to recover these loans as land revenue, I think, does not show that the persons from whom these loans have to be recovered can be classified as suffering people.

I think it is one of the unwritten principles of our Constitution that no man should have an unjust deal in our independent country. I think there are some persons who are in unauthorised occupation of property or who have got property in excess of what they are entitled to. There might be some persons like that. Now, these persons are going to be handed over to the tender mercies of these officers.

What I mean to say is this. Of course, there are courts of law open. I think there should be some regular court of appeal in the Ministry. The Ministry should constitute a regular court of appeal to listen to these things, the complaints against what these officers have done. You are trying to throw these people over to the mercies of these officers without giving them any relief. I say this in view of the fact that these displaced persons do not have the money to go through the normal course of law. They do not have that time and energy; they do not have that kind of go for all these things. Their first duty is to earn their living. Whatever you may say, these displaced persons put their whole heart in finding a living, they do so more than any other person. To throw them over to the legal body, to hand them over to these experts is, I should say, economically wrong, because the time that is wasted at these places is such as deprives them of their regular sources of living.

I wish some Members of Parliament go to the Jaisalmer House where the office of the Rehabilitation Ministry is; I wish some hon. Members of Parliament go to places where these Competent Officers are, where these Managing Officers are.

Shri P. S. Daulta (Jhajjar): I have gone there.

Shri D. C. Sharma: I know you go there; but you go as a lawyer. I am asking hon. Members to go there not as lawyers but as non-lawyers. I wish some of us were to go there and see how these refugees are faring in these places where I am told everything is being done to alleviate the

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sufferings of humanity. I wish it were so.

My next point is this. What are these Advisory Boards? It is a very good thing. I think the hon. Minister has been today like the judges who gave a cup of poison to Socrates. They called Socrates a great philosopher; but, at the same time, they gave him a cup of poison. So, hon. Minister—I have great admiration for him; he is a particular friend of mine—has given a good chit to the members of the Advisory Board, past, present and future. I do not know who the members of the advisory board are. I think they must be hon. men. But before the Ministry is wound up, he has sought the permission to abolish the board. Without going into the merits of the case, I would say that this board has been a very good institution and it has worked between the Ministry and the DPs. It has done a very fine service by bringing their complaints to the notice of the Ministry. It has been voicing their difficulties and has served as a kind of a safety valve for them. Now, the hon. Minister says that this board should be wound up. My feeling is that you cannot abolish this board before the Ministry; it is like putting the cart before the horse. If the Ministry is abolished, the board is automatically abolished. It is a strange kind of parent who wants to kill the child before he dies. I think this board should continue because it is the hope of the refugees and gives them some kind of courage. Abolishing this board also means that the managing officer, the Competent Officer, the Settlement Commissioner and the Deputy Settlement. Commissioner will reign supreme. There is a Punjabi proverb and I will translate it as you will not understand it. It is Ranjha's prayer: The proverb says: "Let all my friends and enemies die so that I can wander about in the streets without let or hindrance". That is also the prayer of the officers of the Rehabilitation Ministry: let everyone else die so that they can do whatever they like and have their own way.

I take strong exception that the assessment of rent should have been left to the rule-making power. What is the rent going to be? That will be decided and will come before us in the form of rules. Some of us may look at them and some may not. I think this is the most vital part of this Bill and the Minister should have been kind enough to give us a schedule so that we could have had a look at it. Unfortunately, it has not been done.

I do not agree with Shri Sarhadi that this Ministry should be liquidated. I do not agree with the hon. Minister that it should come to an end very soon. I want that this Ministry should wind itself up only after the refugees have had their problems solved. I do not want that the hon. Minister should leave anything undone and after looking at this Bill I think that if the Ministry was to be wound up in the month of April, this Bill is going to upset the whole calendar and that the Ministry will go on. I want the Ministry to go on so that the displaced persons may have all their problems solved.

Shri P. S. Daulta: I was very glad to hear the speech of the hon. Minister. He went beyond the provisions of the amending clauses and sought appreciation of his department and thus invited comments. He was very kind enough to seek appreciation from the various quarters and he had It. Two hon. Members from Punjab have spoken. Before I proceed further, I want to congratulate my revered teacher and Gurudev for the clear disposition how Punjabis, the displaced persons, feel about this Department.

Before I proceed to the clauses, I must say that the policy of this department in practice has been to make those who were rich in Pakistan richer still in India and those who were poor, poorer and throw them to

the dogs in India. This is the achievement of this department.

The hon. Member who preceded me wanted some of us to go to these angels—these officers. Through you, Mr. Chairman, I want to say that I went to them in September, 1947 as a refugee and I filed my claim. This claim was finalised only on 21st December, 1959. It took only 12 years to an advocate to get his case finalised It was finalised when I wrote a letter from jail to the hon. Minister and the hon. Minister was pleased to ask that department—the angles—to expedite my case. If personal gratitude means something, I owe it but so far as the working of this Department is concerned, I must say something.

Shri Mehr Chand Khanna: What was the reason for this delay?

Shri P. S. Daulta: About Punjabis, I know particularly. I do not know about the Bengal side. I am conscious that some gentlemen from the province of the hon. Minister are satisfied—but again they are among the richer section, not the poorer section. This is the appreciation of his Department.

Shri Mehr Chand Khanna: May I, through you, ask the hon. Member for a certain amount of clarification or information because his claims were filed a long time back? The claims were verified a long time back. As I said 4,85,000 claims were filed and about 4·5 lakh claims have been settled. The hon. Member is saying that it took 12 years for his case to be finalised. I would like him to throw some light on this case, if possible. Why did it take all this time? When was this claim put in? When was it verified? What does he mean by saying that his case was being finalised? Is it payment of compensation or verification of his claim?

Shri P. S. Daulta: I did not want to take much time but as the hon. Minister was kind enough to ask me this particular question, I may tell him through you that it took five years to get it verified and for handing over the bond it took the rest. I am prepared to show the entire correspondence, which is such a big file. I cannot say why it was delayed. I thought that I was an advocate and I need not go to some officers to grease them, I did not go in such a way and I thought that correspondence would do. My another brother was in the Army and he went on writing from the Army. My third brother was again living in the village and he has been writing, writing and writing. Then I went there personally and attended these angels. Now through the kindness of the Minister I got it finalised. Those persons who went there and greased these officers and filled their pockets got them earlier. That is they working of this Department. I am prepared to put the entire file of my whole case before the hon. Minister. If it can be generalised, let him have a real picture of this case. I stand here committed; I will send the entire papers.

Mr. Chairman: I am sure the Minister will look into it.

Shri P. S. Daulta: Now, coming to the clauses, I support the amendments but I would like to make a few suggestions. The first change sought to be made is about the definition of "public dues" so that the claim bond can be adjusted against a particular category of loan granted by co-operative societies. The hon. Minister was pleased to observe that this was a concession now given to the refugees. In the Statement of Objects and Reasons it is said:

> "A large amount of money has been advanced by the Central Government and State Governments to displaced persons through co-operative societies. It is considered necessary that these loans should be treated as public dues within the meaning of section 2(d) of the Act so that...."

—here is the motive—

> "....they may be adjusted against the compensation payable to such persons."

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The real object is the realisation of the money from them. If it is a question of concession, I would like to ask the Minister one thing. I have got a bond in my hand. There are many doctors, lawyers and other middle-class people from West Pakistan who took loans under the low-income housing scheme. The Government advanced loans to them and they built their houses. They are not allowed to adjust their bonds against these dues. Here it is only in respect of the co-operative societies because they were a failure everywhere..

Shri Mehr Chand Khanna: I would like to make a clarification. These co-operatives were advanced loans from the monies of the Rehabilitation Department—loans that we advanced to the State Governments which they in turn advanced to the co-operatives. They were not loans which were given by the revenue department of a State or the agricultural department of a State. They do not come into the picture. What I said was, which I think was not very clear to the hon. Member, it is not the money which is to be realised on behalf of any Ministry or any department of the State Government, it is the refugee's own money which is in the pool and which is to be paid in the shape of compensation. The money involved is about a crore of rupees. I can have that money repaid in cash. The concession that is given to a displaced person now is that he can have that money adjusted against his claim instead of paying in cash.

May I also tell him one thing more? If he wants to bring any extraneous amounts which are due to the Government from a refugee, then tomorrow he should be prepared to have the income-tax deducted from his compensation and his house tax from these loans. I have resisted that and resisted that very strongly to the extent that I have said that what a refugee is to receive from the compensation pool and what is to go from the compensation pool, to that extent the responsibility of the Ministry and the refugee should be limited and I do not want that in any way to be exceeded. This is being done not in the interest of the realisation of the money but it is being done in the interest of the refugees, that instead of paying in cash to the government revenue I am giving them the facility to pay back that money either through a refugee's compensation or through the compensation of another displaced person, a relation or a friend.

Shri P. S. Daulta: I feel obliged to the hon. Minister because he is taking pains to answer every paragraph of my speech even while I am speaking. Sir, a layman, a displaced person knows that he left his house and property for no fault of his. This Government was responsible for bringing him here. This Government is one unit. He owes some money to the Government. He has to pay back that amount to the Government. Therefore, the Government should see that whatever amount can be adjusted against his claim is adjusted. The Rehabilitation Ministry should make efforts to see that whatever amounts are due to the Government from displaced persons are adjusted against their claims. It is not any act of kindness, it is a moral obligation of the Government towards those persons who were deprived of their ancestral properties.

There is another thing. When I talk of rural persons and urbanites I am told that I divide the population on an unscientific basis. Here is a department which says that rural persons who had property worth Rs. 19,999, a rupee below Rs. 20,000, have no right to file their claims. Is it that a rural man's rupee is not worth 100 naye paise? It is this department that creates a distinction between rural and urban people. The claims of rural persons to a certain extent are not entertained. They are told that the Rehabilitation Department thinks that the property belonging to rural persons is something

different from the property belonging to urban persons. If this concession is going to be extended to refugees, why is it that the rural displaced persons are not treated on the same lines on which urban people are treated? Is this not a point worth considering?

Sir, I welcome the change made in the definition of "public dues", but I think that whatever amount is due to the Government from a displaced person should be brought within this definition and it should be made possible for him to adjust it against his claim.

The hon. Member who spoke just before me referred to the knack of this department to create many officers. Here in clause 3 this Bill says:

> "In section 3 of the principal Act,—
>
> (i) in sub-section (1), for the words "a Deputy Chief Settlement Commissioner and as many Settlement Commissioners", the words "and as many Deputy Chief Settlement Commissioners, Settlement Commissioners" shall be substituted;"

The parent Act authorises them to appoint only one Deputy Chief Settlement Commissioner. The Financial Memorandum clearly says that they appointed three. It means that those appointments were without any statutory authority and those appointments were illegal. If somebody goes to the Supreme Court or the High Court and challenges the decision or judgment on cases disposed of by them it will be declared as coming from a court which has no jurisdiction. Therefore, in the knack of multiplying officers they appointed many people and this amendment is coming at a later stage by which they want to have the approval for the appointments made earlier.

There is one other thing. Persons who were not entitled to a particular property got it. There were many such cases. That property is now sought to be had from them. In Punjab it has become almost a scandal. A one-man committee went into the whole question and it was revealed that quite a large acreage of land was taken by some means or another by some persons.

Pandit Thakur Das Bhargava (Hissar): Choudhury Committee.

Shri P. S. Daulta: I know that an honest officer in that department in Jullundur was penalised by a particular Punjab Minister who was responsible for all that mischief. That man had to pay for his honesty—Shri Harisingh Mumtas. He suffered because he brought out all those things. Therefore, I differ from my previous speaker. I want that rent should be assessed as heavily as possible on those persons and criminal proceedings should be instituted against them. The ordinary civil courts should deal with the law. I find that in the Bill an attempt has been made by the hon. Minister to have his own, almost a parallel, Government which is something different from the civil courts. This tendency should go. The ordinary law of the States should be respected and the civil courts should be given the jurisdiction and not these courts of the department of which there is very bitter experience.

Then there is another change which is sought to be made. It is about the evacuee property. In their enthusiasm at that time certain properties which were not evacuee properties were declared as evacuee properties. I give a specific case to illustrate my point. In Rohtak district, in my constituency, as many as 21 villages of the Mussalman Jats who did not go away from their villages even for a single hour or a single minute or a single second were declared as evacuee property. Their entire agrarian property and the houses were declared as evacuee property. We people who were against that trend at that time, who were outcasts at that time, shouted that we were not

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the persons who were evacuees. Those people are actually in their houses but their houses are not their own! Even today, after 12 years, their agrarian lands and fields are not given to them on paper though they still cultivate those fields. If this is the working of the department, then what is the assurance that if these powers are assumed, those people will get back those lands and houses again?

There are many other changes made in the Act. I do not want to speak about them at length, but about the Advisory Board I must say one thing. There is no likelihood of this department being wound up, because it has created some vested interests. It will continue, though the desire for ending it is announced every year from responsible quarters. But I know it will go on, because some richer sections who were in West Pakistan have come over here and, by getting 'bureaucratic' jobs in this department and getting influence, they would not allow this department to die. It will go on and it will be prolonged and prolonged. In such circumstances, to get rid of the Board which was the only check on this department is not a desirable thing. This Board should not go before the Ministry goes.

With these words, I conclude.

पंडित ठाकुर दास भार्गव : चेयरमैन साहब, मैंने आज चन्द दोस्तों की स्पीचेज सुनी हैं और उनको सुन कर मुझे कुछ हैरानी हुई है । जहां तक मिनिस्टर साहब की स्पीच का ताल्लुक है, उनमें से कुछ बातें तो रेलीवेंट थीं, लेकिन अपनी मिनिस्ट्री के मुताल्लिक जो चन्द पर्सनल बातें उन्होंने कहीं, उन को सुन कर मुझे थोड़ा सा दुख हुआ। हमारी गवर्नमेंट की जितनी और मिनिस्ट्रीज हैं, वे कुछ करती रहीं, या न करती रहीं, उनके खिलाफ़ शिकायतों का ठिकाना नहीं है, उनमें भ्रष्टाचार का ठिकाना नहीं है, लेकिन जहां तक इस मिनिस्ट्री का ताल्लुक है, मैं इसको शुरू से ही देखता रहा हूं और इसको डिवाइन मिनिस्ट्री कहता रहा हूं । आज से नहीं, बहुत पहले से मैं यह कहता रहा हूं और वह इस वजह से कि इसका काम ऐसे लोगों को आराम पहुंचाना रहा है, जो कि निहायत दुखी थे और जिनकी कबरों पर हमको स्वराज्य मिला और जिनको फायदा पहुंचाना इस मिनिस्ट्री का फ़र्ज़ था । जिस हद तक इस मिनिस्ट्री ने उनको फ़ायदा नहीं पहुंचाया, उस हद तक वह अपनी ड्यूटी में फ़ेल हुई, लेकिन यह और बात है । और मिनिस्ट्रीज से इस का काम बहुत मुख्तलिफ़ था । जब कि दूसरी मिनिस्ट्रीज के पास बीसियों काम हैं, इसके पास सिर्फ एक ही काम था और वह यह कि रिलीफ़ और रिहैबिलिटेशन करना । जहां तक उसने यह काम किया, वहां तक सारा कंट्री इस का मशकूर है । मिनिस्टर साहब का यह ख्याल ग़लत है कि लोग इसके मशकूर नहीं हैं ।

मैंने अपने रोहतक के दोस्त की तकरीर सुनी और उसको सुन कर मैं हैरान हूं । मुझे पता नहीं कि इनके दस बारह गांवों के साथ इन्साफ़ क्यों नहीं हुआ । मुझे तो हजारों मेवों का तजुर्बा है, जो कि जिला गुड़गांव में रहते थे, जिनको जमीनें वापस की गईं और जिनकी नहीं की गईं, उनके मुताल्लिक हमने यहां पर जोर डाला और उसके बाद मिनिस्टर साहब ने खास आदमी मुकर्रर करके, तहकीकात करके हजारों मेवों की न सिर्फ़ जमीनें, बल्कि उनके मकान भी वापस करवाये ।

श्री प्र० सिं० दौलता : वह मौलाना आज़ाद की कांस्टीच्युएन्सी थी, इसलिए उनकी जमीनें वापस की गईं ।

पंडित ठाकुर दास भार्गव : वह मौलाना आज़ाद की कांस्टीच्युएन्सी नहीं थी, वह मेरी कांस्टीच्युएन्सी थी, जब कि वे मकान वापस हुए । मौलाना आज़ाद की कांस्टीच्युएन्सी वह बहुत पीछे बनी ।

श्री प्र० सिंह दौलता : माननीय सदस्य भी मौलाना आज़ाद से कम नहीं हैं ।

पंडित ठाकुर दास भार्गव : अगर उनकी थी और इस वजह से जमीनें वापस की गई, तो भी हुई तो सही और यह खुशी की बात है। मैं आपको हिसार का वाकया सुनाता हूं । एक बड़े रेस्पेक्टेबल आदमी थे, जिनकी कई लाख की प्रापर्टी थी । वह मुरादाबाद का रहने वाला था। वह वहां से कहीं नहीं गया । हमें इस बात की सैटिसफ़ैक्शन है कि मिनिस्ट्री ने उनकी जायदाद वापस दे दी, क्योंकि उसको ग़लत तौर पर इवैकुई प्रापर्टी डिक्लेयर कर दिया गया था । इस तरह की एक मिसाल नहीं, हम जानते हैं कि तीन चार करोड़ रुपये की जायदादें वापस की गईं । मैं पुरानी हिस्ट्री में नहीं जाना चाहता हूं कि किस तरह छतरीवाले का केस हुआ, किस तरह फलां का केस हुआ, वगैरह वगैरह । आनरेबल मिनिस्टर साहब ने ऐसे लोगों की प्रापर्टी रेस्टोर करके, जिसको इवैकुई प्रापर्टी डिक्लेयर नहीं करना चाहिए था, एक बड़ा मुस्ताज काम किया, एक ऐसा काम किया, जो इनके लायक था और जो करना चाहिए था और उसके लिए उनको पूरा क्रेडिट ड्यू है । इस हाउस में हम सबकी यह मुत्तफ़िका राय है कि जिन आदमियों को उनकी प्रापर्टी सही तौर पर रेस्टोर होनी चाहिए, हम उनके रास्ते में स्टैंड नहीं करना चाहते हैं । पिछली दफ़ा १९५६ में हम ने जो कानून पास किया, उसकी दफ़ा २८ को हमने पास किया । उस वक्त किसी ने भी हुज्जत नहीं की कि किसी को उसकी प्रापर्टी वापस न दी जाये । इसमें शक नहीं कि जो कुछ हमारे दोस्त श्री डी० सी० शर्मा ने कहा है, उसमें कुछ वुक्कत है, लेकिन क्या हम यह नहीं जानते कि जब बारह बरस में एक एडवोकेट का केस सैटल नहीं हुआ, तो क्या यह जरूरी है कि उन सब के केस सैटल हो गये हैं, जिनको बारह बरस हो गये हैं । मैं यह अर्ज करना चाहता हूं कि जिस की प्रापर्टी सही तौर पर वापस होनी चाहिए, वह जरूर वापस की जानी चाहिए । अगर दफ़ा २७ में हुक्म भी हो जाय, तो चन्द वजूहात की बिना पर वह वापस नहीं हो सकती । वे वजूहात क्या हैं ? वे यह हैं कि किसी और डिस्प्लेस्ड पर्सन को डिस्टर्ब करना मुनासिब नहीं है । यह डिस्प्लेस्ड पर्सन्ज के हक में भी है कि उनको डिस्टर्ब नहीं किया जायेगा । सैपरेशन आफ़ प्रापर्टी के लिए एक अलग डिपार्टमेंट बनाया गया, जिसने हज़ारों केसिज में सैपरेशन कराई । इसके बावजूद यह बात दिमाग़ में आ सकती है कि इन प्रापर्टीज को वापस करना शायद मुश्किल हो । हम २०ए पास कर चुके हैं । यह २० बी भी उसी तर्ज का है । मैं यह अर्ज करना चाहता हूं कि सैक्शन २७ की तरमीम मेरे गले नहीं उतरती । यह सैक्शन कस्टोडियन या कस्टोडियन-जनरल को रिविजन के अख्तियारात देने के मुताल्लिक है । गवर्नमेंट डिस्प्लेस्ड पर्सन्ज एक्ट की दफ़ा १२ के मातहत एक जायदाद एक्वायर करती है और वह दफा इस तरह है —

"If the Central Government is of opinion that it is necessary to acquire any evacuee property for a public purpose, for purposes connected with relief and rehabilitation of displaced persons including payment of compensation to such persons, the Central Government may at any time acquire such evacuee property by publishing in the official Gazette a notification to the effect that the Central Government has decided to acquire such evacuee property".

मैं यह चाहता हूं कि जब सैंट्रल गवर्नमेंट के अख्तियारात से प्रापर्टी एक्वायर हो, तो किसी और शख्स को, जो कि सैंट्रल गवर्नमेंट से कम अख्तियार रखता हो, मसलन कस्टोडियन और कस्टोडियन-जनरल, उस प्रापर्टी के बारे में आखिरी फ़ैसला देने का अख्तियार नहीं होना चाहिए । इस के मायने यह

[पंडित ठाकुर दास भार्गव]

होंने कि सैंट्रल गवर्नमेंट की ओपीनियन होने के बावजूद, उस का एक्ट होने के बावजूद वह अफ़सर एक ऐसा काम करता है, जो कि सैंट्रल गवर्नमेंट के हुए पर पानी फेर देता है। मैं आनरेबल मिनिस्टर साहब की इस राय को अपोज नहीं करना चाहता हूं कि जिसको रेस्टोरेशन की जानी चाहिए, वह की जाय, लेकिन मैं यह अर्ज करना चाहता हूं कि इसमें एक प्राविज़न रख दिया जाय कि अगर सैंट्रल गवर्नमेंट किसी केस को प्रापर समझती हो और यह महसूस करती हो कि रेस्टोरेशन आफ़ प्रापर्टी होनी चाहिए, तो उसको खुद अपने आर्डर को रीव्यू करने का अख्तियार हो और वह खुद एक्वायर्ड प्रापर्टी को रेस्टोर करने का हुक्म दे सके, कोई और हुक्म दे सके। पहले भी हमारे इस एक्ट में दफ़ा मौजूद है, जिसमें सैंट्रल गवर्नमेंट को पूरे अख्तियारात दिये गये हैं। ऐसी सूरत में यह मुनासिब नहीं है कि कस्टोडियन या कस्टोडियन-जनरल को सैंट्रल गवर्नमेंट के किसी फ़ैसले को—और सैंट्रल गवर्नमेंट के मायने हैं मिनिस्टर—रीव्यू करने का अख्तियार हो। यह काम गवर्नमेंट खुद कर सकती है और उसने करोड़ों रुपये की जायदाद खुद वापस की भी है। आनरेबल मिनिस्टर साहब का जो मतलब है, उसको पूरा करने के लिए मैंने एक अमेंडमेंट दी है, जिसमें मैंने सैंट्रल गवर्नमेंट को यह अख्तियार दिया है कि अगर वह चाहे, तो किसी प्रापर केस में जस्टिस दे सके, क्योंकि सब रूल्ज और प्रोसीड्योर लोगों को जस्टिस देने के लिए ही हैं। जैसा कि ब्लेक्सटोन ने कहा है, सब रूल्ज और प्रोसीड्योर एक ही ग़र्ज के लिए हैं कि लोगों के साथ जस्टिस और ईक्विटी की जाय। उस ग़र्ज को जरूर पूरा किया जाय, लेकिन उसके लिए तरीके कम से कम ऐसे अख्तियार किये जायें, जो कि जुडिशल प्रिंसिपल के मुताबिक हों। किसी भी शख्स को—वह कस्टोडियन हो या कस्टोडियन-जनरल—आनरेबल मिनिस्टर साहब से ज्यादा अख्तियार देने मुनासिब नहीं लें, जो कि हमने दे दियें हैं।

मैं एक और प्वायंट आफ ब्यू से भी इस मामले को आनरेबल मिनिस्टर के सामने रखना चाहता हूं। अपनी तकरीर में आनरेबल मिनिस्टर साहब ने एक उसूल रखा और उसी उसूल को श्री सरहदी और मुझ से पहले बोलने वाले दूसरे मेम्बर साहबान ने सपोर्ट किया और वह उसूल यह है कि डिस्प्लेस्ड पर्सन्ज और लोकल्ज के दरमियान कोई डिस्क्रिमिनेशन नहीं होना चाहिये। मिनिस्टर साहब की स्पीच का आखिरी हिस्सा निहायत मुबारक था, सही था। अब दस बारह बरस हो चुके हैं, और अब डिस्प्लेस्ड पर्सन्ज और लोकल्ज के दरमियान हर तरह की डिस्क्रिमिनेशन को हटा देना चाहिये। अगर यह डिपार्टमेंट कल खत्म हो जायगा, तो उस का नतीजा यह होगा कि दूसरे सिटिजन्ज आफ़ दि लैंड की तरह डिस्प्लेस्ड पर्सन्ज भी सिटिजन्ज आफ दि लैंड हैं और रहेंगे। मेरी निहायत अदब से गुज़ारिश यह है कि इस बिल में कई ऐसी बातें हैं, जो कि बहुत डिस्क्रिमिनेटरी हैं और मैं उन को खत्म करना चाहता हूं। जब यह डिपार्टमेंट बना और जिस वक्त हमने इस के मुताल्लिक कानून—मसलन इवैकुई प्रापर्टी, डिस्प्लेस्ड पर्सन्ज वगैरह वगैरह कानून—बनाए, तो हम ने कई उसूल माने, जिन से आज हम डिपार्ट करना चाहते हैं। जैसा कि हमारे लायक दोस्त ने कहा है, इस मिनिस्ट्री को एक तरह से इतनी इंडिपेंडेंस दी गई, इतने अख्तियारात दिए गए, जो कि किसी भी मिनिस्ट्री को हासिल नहीं थे। मुझे याद है कि जब आनरेबल मिनिस्टर साहब इस मिनिस्ट्री के मिनिस्टर नहीं बने थे और अभी कोई मिनिस्टर नहीं बना था, तो गवर्नमेंट की राय थी कि पचास लाख लोगों को बसाने के लिए इस मिनिस्ट्री को एक्स्ट्राडिनरी पावर्ज दी जायें।

व पावर्ज बाद-अजां नहीं दी गईं, लेकिन फिर भी कई एक्स्ट्राडिनरी पावर्ज दी गईं। वे पावर्ज क्या थीं ? जो मामले सिविल कोर्ट्स के थे, वे हम ने जान-बूझ कर उन कोर्ट्स को नहीं दिए थे, इस लिए कि यह मामला डिस्प्लेस्ड पर्सन्ज के हक में एक्सपीडिशस ढंग से हो जाय और यह डिवाइन काम जल्दी से और खूबसूरती से किया जा सके। जो पावर्ज उन के फ़ायदे के लिये दी गई थीं, आज बारह बरस के बाद मैं यह नहीं चाहता कि उन को उन के डेट्री-मेंट के लिए यूज किया जाय। मैं यह चाहता हूं कि यह डिस्क्रिमिनेशन खत्म हो जाय और सिविल कोर्ट्स का जो फंक्शन लोकल्ज के लिए वह दूसरों के लिए भी हो जाय। हम ने क्या क्या पावर्ज दी हैं ? जनाबे वाला, इंवैकुई प्रापर्टी वाले इस एक्ट की दफ़ा २६ से ३२ तक मुलाहजा फ़रमायें, जिस के मातहत अगर कोई शख्स इवैकुई प्रापर्टी को डैमेज पहुंचायेगा, तो उस को कैद किया जा सकता है। अगर कोई सरेंडर पजेशन नहीं देगा तो कायदा बना हुआ है कि जिस दिन से वह इवैक्वी प्रापर्टी हुई उसी दिन से वह डिक्लेयर्ड हो जाएगी और वह वैस्ट हो जाएगी कस्टोडियन में और कस्टोडियन को हक होगा वैस्ट करने के बाद कि वह फौरन किसी शख्स को बाई फोर्स निकाल दे और उसके हुक्म के बाद अगर कोई सरेंडर नहीं करेगा तो उसे कैद कर दिया जाएगा या उसके खिलाफ और कई तरह की कार्रवाई की जा सकेगी। यह चीजें २६ से ३२ सैक्शंस के अन्दर मौजूद हैं। ये सब एक्सट्राआर्डिनरी पावर्स जो कि कभी भी किसी सिविल कोर्ट को नहीं दी जा सकती हैं इसलिये दी गई थीं कि इनका इवैक्वीस प्रापर्टी के हक़ में इस्तेमाल हो सके। हमने यहां तक पास किया कि अगर कोई प्राइवेट जायदाद भी है और अगर उसकी रिहैबिलिटेशन के लिए जरूरत है तो उसको भी एक्वायर किया जा सकता है और उसके लिए मुनासिब मुआवजा दिया जा सकता है और उस पर रिफ्यूजीज को बसाया जा सकता है। इस पावर का इस्तेमाल करके कई कालोनीज बसाई गई हैं, बनाई गई हैं।

लेकिन आज १२ बरस के बाद जिस किसी को वह प्रापर्टी लीज हुई जिसको वह एलाट हुई दफा १६ में आपको यह हक़ है कि किसी एलाटमेंट को किसी लीज को आप मंसूख कर सकते हैं, जो टर्म्स उनके और डिस्प्लेस्ड परसंस के दर्म्यान हुए हैं उनको हटाया जा सकता है। इस तरह से पूरी पूरी और अनकंट्रोल्ड और पूरी पूरी पावर्स उनको दी गई और ये पब्लिक इंटिरेस्ट में दी गईं।

लेकिन आज मैं देखता हूं दफा ४ के अन्दर कि जिस चीज को लोग सैटल्ड समझे हुए थे कि यह मेरे कब्जे में है, उसको भी अगर कोई गवर्नमेंट का अफसर चाहे तो सारी की सारी को शेक अप कर सकता है। अभी एक माननीय सदस्य ने कहा कि जवाब नहीं आता है आनरेबल मिनिस्टर साहब की तरफ से जब उनको कोई चिट्ठी लिखी जाती है। लेकिन मैं तो कहने के लिये तैयार हूं कि जो भी चिटठी मैंने उनको लिखी उसका मुझे जवाब आया है। हां यह बात अलग है कि वे मुझे से एग्री उस मामले में किये हों या न किये हों। और यह मुम्किन भी नहीं है कि वह हर मामले में हर एक से एग्री करें। जहां मैं उनकी इसके लिए तारीफ करता हूं वहां मैं यह भी कहे बिना नहीं रह सकता हूं कि उनके महकमे का यह हाल है कि बेचारे लोगों की हजारों चिट्ठियां जाती हैं जिन को कभी एकनालिज नहीं किया जाता है, कोई जवाब नहीं दिया जाता है। जहां तक मैनेजिंग कारपोरेशंस और मैनेजर्स का तथा दूसरे बड़े बड़े अफसरों का ताल्लुक है उनके बारे में मुझे अफसोस के साथ कहना पड़ता है कि इतने अर्से तक इन पावर्स को एक्सरसाइज करने के बाद वे

[पंडित ठाकुरदास भार्गव]

अनसिमपैथेटिक हो गए हैं । यह एक पुरानी चीज है जो कि लोकल लोगों में भी थी कि एक आदमी जो कि रिफ्यूजी हो कर आया है उसके साथ हमदर्दी का इजहार किया जाए और वे सब उसके साथ हमदर्दी रखते थे और चाहते थे कि उसको किसी तरह की कोई तकलीफ न हो । लेकिन आज वह हमदर्दी खत्म होती जा रही है और गवर्नमेंट का एटिट्यूड भी तबदील होता जा रहा है और साथ ही साथ उन अफसरान का भी तबदील होता जा रहा है । इस वास्ते मैं अर्ज करना चाहता हूं कि वक्त आ गया है कि जो पावर्स आपके अफसरों को रिफ्यूजीज के इंटिरेस्ट में दी गई थीं उनका इस्तेमाल उनके खिलाफ न किया जाए ।

क्लाज ४ में कितनी ड्रास्टिक चीज है कि एक शख्स जो कि मैनेजर है या जो कस्टोडियन है और जिस ने जायदाद पर कब्जा किया, जिसने अपने अखत्यारात का बारह बरस तक इस्तेमाल नहीं किया, जिसको अखत्यार था कब्जा लेने का या जिस ने रुपया वसूल नहीं किया, जिसने यह नहीं देखा कि उस प्रापर्टी में कौन है और कौन नहीं है, उसकी गफलत पर, उसके इंडिसिशन पर और उसके दूसरे कामों पर चश्मपोशी करने के लिए ला बनाया जा रहा है कि वह फैसला करे कि कितना रेंट चाहिये, कितने डैमेजिज चाहियें और क्या क्या दूसरी चीज चाहिये । एक आम उसूल की बात है कि नो परसन कैन बी ए जज इन हिज ओन केस । अब हमने कांस्टीट्यूशन बनाया तो उसमें एक आर्टिकल यह रखा कि ज्यूडिशरी और एग्जीक्यूटिव का सैपेरेशन होगा और इसका मुद्दा यह था कि ज्यूडिशरी इंडिपेंडेंट हो । क्रिमिनल प्रोसीजर कोड में भी एक कायदा है कि अगर कोई आदमी या कोई मैजिस्ट्रेट किसी मुकद्दमे में इंटिरेस्टिड हो तो वह उस मुकदमे को नहीं सुन सकता है । इंटिरेस्टिड की तारीफ यह की गई कि अगर कोई एक्साइज डिपार्टमैंट का सुपरिंटेंडेंट है तो वह एक्साइज केसिस को नहीं सुन सकता है ।

मैं अर्ज करना चाहता हूं कि कस्टोडियनों को या मैनेजिंग अफसरों को उन मुकदमों का फैसला करने का अखत्यार नहीं होना चाहिये और जिस तरह से पांच रुपये की डिक्री के लिए सिविल कोर्ट में जाना होता है या राइट्स के कब्जे के लिए जाना होता है उसी तरह से आप भी उन केसिस का सिविल कोर्ट्स में जा कर फैसला करवायें । मैं समझता हूं कि जो एक्सट्राआर्डिनरी पावर्स दी गई थीं उनको खत्म कर दिया जाए । साथ ही साथ मैं समझता हूं कि आनरेबिल मिनिस्टर साहब जो जल्दी कर रहे हैं कि इसको एंड कर दें, वह मुनासिब नहीं है ।

आप जानते ही हैं कि सारे देश में और सारी दुनिया में एक ला आफ लिमिटेशन है । दुनिया का कोई सभ्य मुल्क ऐसा नहीं है जहां यह ला नहीं है । लेकिन सन् १९५६ में आनरेबल मिनिस्टर साहब एक कानून लाए थे इसके बारे में और उसमें एक हद तक वह कामयाब भी हो गए थे और बेशक मैंने एतराज किया था, लेकिन फिर भी वह सकसैसफुल हो गए थे और उस कानून के जरिये से ला आफ लिमिटेशन कुछ हद तक हटा दिया गया था । वह क्यों हटाया गया था ? हम इनकी बुराई करते हैं लेकिन मैं यह कहने के लिए तैयार हूं कि जिस प्वाइंट आफ व्यू से इन्होंने उसे हटाया उसको मैंने कभी क्वैश्चन नहीं किया । आखिर को यह रुपया जाएगा कहां, जो रुपया वसूल होगा वह खर्च किन पर होगा ? यह रुपया रिफ्यूजीज के फायदे के लिये ही तो खर्च होगा । जिन को कम्पेंसेशन नहीं मिलता है, उनको कैश कम्पेन्सेशन दिया जा सकता है । यह उनकी या उनकी मिनिस्ट्री की जेब में

नहीं जाएगा, रिफ्यूजीज के लिए ही इस्तेमाल होगा । बहुत से लोग डाकुओं के बारे में कहते हैं कि बड़ा अच्छा है, बड़ा भला है, लड़की की शादी के वास्ते रुपया गरीब को दे देता है, भले काम के लिए दे देता है । मैं मानता हूं कि आप भी अच्छे काम के लिए इसको यूज करेंगे । लेकिन जिन गरीबों से आप लेंगे, जिन को आप अनसैटल करेंगे वे ऐसे हैं कि जिन की बहुत बुरी हालत है और अगर आपकी वजह से उनकी हालत सुधरी भी है तो भी वे ऐसे हैं जैसे कि किसी बच्चे को पढ़ाया लिखाया जा सकता है—जो कि आपकी ट्यूटलेज में हैं, चार्ज में हैं, आपके बच्चों की तरह हैं और उनको आपकी अनकंट्रोल्ड एक्सरसाइज आफ पावर से तकलीफ होगी । आप रुपया वसूल करें लेकिन ला आफ लिमिटेशन के मुताबिक करें, कायदे के मुताबिक करें । आपको अख्त्यार है कि आप इस बिल को यहां पास करवा लें और यह लीगल भी होगा लेकिन आप को रेस्ट्रेंट रखनी चाहिये । लेकिन आप कहते हैं कि जो बार्ड हो गए हैं और जिनको हाई कोर्ट ने बार्ड करार दे दिया है, उसको आप वसूल कर सकते हैं, जो १९५६ में बार्ड था, १९५४ में बार्ड था और उसके पहले बार्ड था उसके बारे में हाई कोर्ट की रूलिंग को हटाने के लिए आप यह चीज यहां लाए हैं वह ठीक नहीं है । मैं कहना चाहता हूं कि जो पावर्स आपके पास हैं उससे आगे आप न बढ़ें वर्ना मुझे डर है कि जो आपका शफकत का हाथ है वह सख्त महसूस होने लगेगा और यह बात अच्छी नहीं होगी । आपको रेस्ट्रेंट रखना चाहिए । मैं पूछना चाहता हूं कि कितना ऐसा रुपया है, कितनी ऐसी रकम है जो बार्ड बाई लिमिटेशन है और आप हमको वह रकम बतलायें ताकि हम सोचें कि किस हद तक गवर्नमेंट की मदद की जा सकती है । मैं यह नहीं कहता कि यह चीज इल्लीगल है । जब वह यहां से पास हो जाएगी तो लीगल ही होगी लेकिन यह चीज ऐसी है जो लोगों को चुभेगी, जिनको आपने बसाया है उनको चुभेगी, जिन को आपने जमीनें या मकान एलाट किए हैं, उनको चुभेगी । उनको एलाटमेंट्स करने के बाद आप कहते हैं कि यह चीज अनआथोराइज्ड थी । मैं पूछना चाहता हूं कि क्या आप बारह बरस तक सोये हुए थे । ला आफ लिमिटेशन क्यों बना है? आप उनको प्रासीक्यूट कर सकते थे । लेकिन जिन अफसरों ने आज तक ऐसा नहीं किया, जिन्होंने गफलत की उनको तो आप शाबाश देते हैं लेकिन ये बेचारे लोग मारे जाते हैं ।

श्री मेहरचन्द खन्ना : माननीय सदस्य जो कह रहे हैं उसकी मैं कद्र करता हूं लेकिन मैं चाहता हूं कि वह इस मामले पर जरा और रोशनी डालें ताकि मैं इस पर सोच सकूं । जहां तक उस भाई का ताल्लुक है जोकि शरणार्थी है और मकान में बैठा है, मेरी जमीन पर कब्जा किए हुए है और उससे मेरे मैनेजिंग आफिसर को, जो कि शर्मा जी के ख्याल से बड़ा शरीफ नहीं है, दयानतदार नहीं है, अख्त्यार है कि किराया वसूल कर सके, किराया एसेस कर सके और बारह बरस तक वह करता रहा है, लेकिन एक आदमी जिसने नाजायज तौर पर जमीन पर कब्जा किया है, जिसने मेरे मकान पर ट्रेसपास किया है, मेरी जमीन पर कब्जा किया है, उससे मुझे आप क्यों मना करते हैं कि मेरा मैनेजिंग अफसर जो कि लाला अर्चित राम जी के ख्याल में अच्छा है, काम कर सकता है, उसके बारे में आप क्यों कहते हैं कि वह ईमानदार नहीं है, बात सुनने के लिए तैयार नहीं है और उसको इस तरह से नहीं करना चाहिए । मैं चाहता हूं कि माननीय सदस्य इस पर जरा रोशनी डालें ।

पंडित ठाकुर दास भार्गव : जो बात आपने कही है, यह बहुत इम्पार्टेंट है और मैं इसकी इमानदारी की कद्र करता हूं । लेकिन मैं कहना चाहता हूं कि इस देश में

[पंडित ठाकुर दास भार्गव]

ईमानदारी की प्रथा रही है और कोई भी बार्ड डेट के बारे में यह नहीं कहेगा कि अदा नहीं किया जाना चाहिये । आप पुरान लायर हैं—

श्री मेहर चन्द खन्ना : मैंने कभी वकालत नहीं की है।

पंडित ठाकुर दास भार्गव : और आप जानते हैं कि तीन, छै व बारह बरस के बाद हक चला जाता है रिकवरी का। क्या इस तरह का कानून हिन्दुस्तान में है या नहीं है? दुनिया में इस तरह का कानून है या नहीं है। बारह बरस के कबजे के बाद मालिक वह हो जाता है और उसको बेदखल नहीं किया जा सकता है । मैं इस हद तक नहीं जाता कि आप कब्जा न लें। लेकिन कम से कम इसको तो देखिये कि जब आप किराया असैस करेंगे तो इस गुस्से में करेंगे कि यह शख्स बेईमान है। मान लीजिये कि आपके अफसर ने किराया मुकर्रर कर दिया १०० रु०। बारह बरस कब्जा हुए हो गये। अब जरा इसको १२ से जरब तो कर दीजिये और देखिये कि क्या रकम हो गई। उस आदमी की क्या हैसियत है जिसके वास्ते आप यह चीज रखते हैं? यह तो उसको तबाह करने के बराबर हो जायगा । लिमिटेशन के अन्दर जो आपका ड्यू है उसके लिये मैं नहीं कहता। मैं इस जगह से हर एक डिस्प्लेस्ड पर्सन से दरख्वास्त करूंगा कि जो सरकार का ड्यू हो वह जरूर दें, अगर दे सकें तो जो बार्ड है वह भी दे दो। मैं इसके बखिलाफ नहीं हूं। लेकिन आप उन लोगों की तकलीफ तो देखिये, आप उनके प्वाइंट आफ व्यू को तो लिये। अगर आप को यह मंजूर नहीं है तो मैं आपसे अर्ज करूंगा कि जैसे आपने जब पहले दफा २१ को रक्खा था, जिसके अन्दर अरेस्ट का सवाल था, तब आपने वादा किया था कि हार्डशिप केसेज का आप खुद देखेंगे कि लोगों को तकलीफ न हो, आप कम से कम यह तो कीजिये कि जो आपको अपील कर दे, जो आपको हार्ड केस दिखाये, उसके लिये आप यह तो कहिये कि आप उन केसेज में रिलीफ देंगे। नहीं तो मैं कहता हूं कि आपकी मिनिस्ट्री का जो डिवाइन पार्ट है वह खत्म हो जायगा। फिर वह लीगल मिनिस्ट्री की तरह हो जायेगी जो कि वह नहीं है। मेरी गुजारिश यह है कि जो आपने ले लिया है उस पर आप इक्तफा कीजिये और जिसे हाई कोर्ट ने फैसल कर दिया उसको आप मंजूर कीजिये। उससे ज्यादा आप उस पर रुपया न लगाइये ।

आप मुलाहजा फरमायेंगे कि एक दफा दी गई है जो कि दफा ८ है उसके अन्दर फिर इस ला को तब्दील किया गया है, और वह इस तरह तब्दील किया गया कि जो आर्डिनरी सिटिजन आफ इंडिया को लोकल्स को अख्त्यार है एविडेंस ऐक्ट की रू से सिविल प्रोसीजर कोड की रू से या दूसरे कानून की रू से कि हम अपना डाकुमेंट आफ टाइटल पेश न करें अगर हम न चाहें, हमें कोई मजबूर नहीं कर सकता कि हम किसी सवाल का जवाब दें जो हमें इन्क्रिमिनेट करता हो, वह भी हम से छीना जा रहा है। एविडेंस एक्ट की दफा १३०, १३१ और १३२ और दूसरे लाज के मुताबिक जो अख्त्यार लोकल्स का हासिल है, हर एक सिटिजेन को हासिल है, वह डिस्प्लेस्ड पर्सन्स से न छीनिये । मैं इस हद तक भी जाने को तैयार हूं, जैसे कि फंडामेंटल राइट में दिया हुआ है, वह तो हम से न छीनिये । आप इस सेक्शन की रू से फिल वाक्या उन राइट्स को भी छीन रहे हैं। मैंने इस के लिये अमेंडमेंट भी भेजा है कि अगर ऐसा ला हो जो कि डेरोगेशन आफ ला में न हो तो उस के लिये यह रिक्वायरमेंट

नहीं होनी चाहिये । वर्ना ठीक है, डिस्चार्ज आफ ड्यूटी में जो कुछ होना चाहिये वह राइट लीजिये । लेकिन डिस्चार्ज आफ ड्यूटी मैनेजिंग आफिसर्स को बहुत देर से होती रही है । १२ बरस हो गये और अब तक यह चीज चलती रही । डिस्चार्ज आफ ड्यूटी की बात अब आखिर में याद आई है, जब कि हम कहते हैं कि मिनिस्ट्री को खत्म करना चाहते हैं तब हम कहते हैं कि हम को इस तरह के अख्तयार चाहिये ।

मैं कहना चाहता हूं कि फिलवाकया आप का काम निहायत ही काम्प्लिकेटेड था । कोई ताज्जुब नहीं है अगर मेरे दोस्त चौधरी कमेटी की याद दिलाते हैं । मैं जानता हूं कि बहुत से केसेज में बड़ी बेइन्साफी हुई लोगों के साथ लेकिन इतनी बड़ी चीज जिस में ₹ ५ लाख क्लेम हों यह चीज कोई ताज्जुब की नहीं है । मुझे कोई आदमी दुनियां भर के अन्दर कोई ऐसी चीज नहीं दिखला सकता जो कि इतनी बड़ी हो और उस के अन्दर यह चीजें न हुई हों । आप वह चीज करने लगे हैं जिस की बात हम सुनना नहीं चाहते, लेकिन जो काम आप कर रहे हैं उसे देखते हुए हम इस में सख्ती नहीं देखना चाहते । अभी हम ने देखा कि जब कि आप को एक चीफ डेपुटी को मुकर्रर करने का अख्तयार था आप ने तीन मुकर्रर किये । आप ने पहले सारा काम कर लिया है उस के बाद अब आये हैं सब कामों को वैलिडेट कराने दफा १२ के अन्दर । लेकिन इस में भी मुझे कोई एतराज नहीं है । मैं तो कहता हूं कि आप ने जो किया है वह पब्लिक इंटरेस्ट में किया होगा, आप को अफसरों की जरूरत होगी । मैं मानने को तैयार नहीं हूं कि आप ने बेकार में अफसर बना दिये और उन से काम नहीं लिया । हमेशा इतने बड़े महकमे में ऐसे केसेज होते हैं । इस तरह के केसेज के लिये हमेशा इन्डेम्निटी (Indemnity) क्लाज होता है । चुनांचे दूसरा प्राविजन जो है वह भी इन्डेम्निटी प्राविजन है । सर्टेन लोकल लाज की रू से जो लिएबिलिटी प्रापर्टी आप नहीं ले सकते थे उस के वास्ते भी आप चाहते हैं कि वह सारा काम हम इस बार वैलिडेट कर दें । इस के अन्दर भी मुझे कोई एतराज नहीं है । अगर कोई और मिनिस्ट्री होती और इस तरह के अख्तयार मांगती तो हम जरूर सख्ती से पेश आते क्योंकि यह मुनासिब नहीं है कि इस हाउस को बिल्कुल नाकिस समझ कर काम कर लिया जाये । मगर हम आप की मजबूरियां जानते हैं । इस लिये मुझे एतराज नहीं है । इस के अलावा भी अगर कोई ऐसी चीज है जो कि मजबूरन हुई है, डिस्चार्ज आफ पब्लिक ड्यूटी के अन्दर अगर कोई गल्ती हो जाय तो वह चीज ऐसी नहीं है जिस की कोई हाउस इतनी जोर की नोटिस लेगा ।

जहां तक इस बिल का सवाल है उस के अन्दर जो थ्रिक है वह यह है कि जो सुलूक आप डिस्प्लेस्ड पर्सन्स से करना चाहते हैं वह लोकल्स से भी नहीं कर रहे हैं । आप ने जो तकरीर फरमाई जो उसूल रक्खा कि सब ऐंटपार होने चाहियें, मैं उस की दाद देता हूं, और वह होना चाहिये लेकिन अगर आप लाजिकली देखेंगे तो आप को यह करना होगा कि जिन लोगों के खिलाफ आप के केसेज हैं, उन में अपने अफसरों को आप जज न बनाइये क्योंकि लोग समझते हैं कि यह महकमे का मालिक है और यही हमारा फैसला करेगा । ठीक है, आप अपना काम प्रिंसिपल्स के मुताबिक करेंगे, लेकिन मैं पूछना चाहता हूं कि आखिर वह कौन से प्रिंसिपल्स हैं जिन का फैसला सिविल कोर्ट नहीं कर सकेगा । आखिर सिविल कोर्ट का काम यही है । अगर कोई मकान खराब हो गया है तो क्या करेगा आप का अफसर । गुस्से के मारे वह डैमेजेज को तिगुना कर देगा ।

श्री मेहर चन्द खन्ना : उसे गुस्सा किस बात का ?

पंडित ठाकुर दास भार्गव : उस को गुस्सा इस बात का होगा कि उस को हुक्म था

[पंडित ठाकुर दास भार्गव]

ठीक मेनेज करने का । गुस्सा और डर भी कि अगर ठीक तरह से अपने अख्त्यार को इस्तेमाल करें तो उन अफसरों के खिलाफ जिन्होंने अपनी पावर को एक्सर्साइज नहीं किया और जिन्होंने इस बात की इजाजत दी...

Mr. Chairman: Is the hon. Member likely to take a little more time?

Pandit Thakur Das Bhargava: Yes, Sir. I want to speak for another 15 minutes.

16.59½ hrs.

BUSINESS ADVISORY COMMITTEE

FORTY-SEVENTH REPORT

Shri Rane (Buldana): I beg to present the Forty-seventh Report of the Business Advisory Committee.

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17 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, February 10, 1960/Magha 21, 1881 (Saka).

[Tuesday February 9, 1960/Magha 20, 1881 (Saka)]

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19.	Return of Ladakhi Indians from Tibet .	97–98
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(1) A copy of each of the following Notifications—

(i) Notification No. G.S. R. 1408 dated the 26th December, 1959, under sub-section (3) of Section 641 of the Companies Act, 1956.

(ii) Notification No. S.O. 2831 dated the 26th December, 1959 making certain further amendment to the Cotton Textiles (Production by Handloom) Control Order, 1956, under sub-section (6) of Section 3 of the Essential Commodities Act, 1955.

(iii) A copy of each of the following Notifications issued under Section 15 of the Industries (Development and Regulation) Act, 1951:—

(a) S. O. No. 2800 dated the 21st December, 1959.

(b) S. O. No. 2858 dated the 24th December, 1959.

(2) A copy of each of the following Notifications making certain further amendments to the Khadi and Village Industries Commission Rules, 1957, under sub-section (3) of Section 26 of the Khadi and Village Industries Commission Act, 1956:—

(a) G.S.R. No. 1007 dated the 5th September, 1959

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(b) G. S. R. No. 1165 dated the 24th October, 1959.

(c) G. S. R. No. 1198 dated the 31st October, 1959

(3) A copy of Notification No. G. S. R. 386 dated the 17th May, 1958 making certain amendments to the Registration and Licensing of Industrial Undertakings Rules, 1952, under sub-section (4) of Section 30 of the Industries (Development and Regulation) Act, 1951.

(4) A copy of Notification No G. S. R. 62 dated the 16th January, 1960 making certain amendment to the Salt (Reserve Stock) Order, 1955, under sub-section (6) of Section 3 of the Essential Commodities Act, 1955

(5) A copy of Notification No. S. O. 71 dated the 9th January, 1960 under sub-section (2) of Section 3 of the Khadi and Village Industries Commission Act, 1956.

(6) A copy of statement of main conclusions of the Second Session of the Industrial Committee on Jute held in Calcutta on the 11th December, 1959

(7) A copy of Statement regarding the repairs to the Hoist Chamber of Bhakra Dam

(8) A copy of the Standards of Weight and Measures (Conversion of Railway Mileage) Rules, 1959, published in Notification No. S. O. 2665, dated the 5th December, 1959, under sub-section (3) of Section 17 of the Standards of Weights and Measures Act, 1956.

(9) A copy of Statement in supersession of Statement

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II laid on the 15th December, 1959 in reply to Starred Question No. 875 by Sarvashri Prakash Vir Shastri, Radheshyam Ramkumar Morarka and Hem Raj regarding Trade with China.

(10) A copy of Notification No. G. S. R. 1249, dated the 14th November, 1959, under sub-section (3) of Section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 making certain further amendments to the Displaced Persons (Compensation and Rehabilitation) Rules, 1955.

(11) A copy of Notification No. G.S.R. 122, dated the 30th January, 1960, under sub-section (3) of Section 40 of the Displaced Persons(Compensation and Rehabilitation) Act, 1954, making certain further amendments to the Displaced Persons (Compensation and Rehabilitation) Rules, 1955.

QUESTION OF PRIVILEGE 110–11

With regard to the question of privilege sought to be raised by Shri Surendranath Dwivedy on the 21st December, 1959, about publication of an expunged portion of the proceedings of the House dated the 16th December, 1959, in the Free Press Journal, the Speaker informed the House that an unconditional apology had since been tendered by the editor.

The House accepted the apology and agreed to drop the matter.

STATEMENT BY PRIME MINISTER . . . 111–13

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) made a statement on the results of the Minister

STATEMENT BY PRIME MINISTER—*contd.*

COLUMNS

level Indo-West Pakistan Border Conference held in January, 1960 and also laid on the Table a copy thereof.

STATEMENT BY MINISTER 113–14

The Minister of Finance (Shri Morarji Desai) made a statement on the Indo-Pakistan Financial talks held in New Dehi from 31st December, 1959 to 3rd January, 1960.

BILL PASSED . . . 116–79

The Minister of Defence (Shri Krishna Menon) moved that the Geneva Conventions Bill, 1959 be taken into consideration. The motion was adopted. After clause-by-clause consideration the Bill, as amended, was passed.

BILL UNDER CONSIDERATION . . . 180–221

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna) moved that the Displaced Persons (Compensation and Rehabilitation) Second Amendment Bill, 1959 be taken into consideration. The discussion was not concluded.

REPORT OF BUSINESS ADVISORY COMMITTEE PRESENTED . 221

Forty-seventh Report was presented.

AGENDA FOR WEDNESDAY, FEBRUARY 10, 1960/MAGHA 21, 1881 (SAKA).—

Further consideration of the Displaced Persons (Compensation and Rehabilitation) Second Amendment Bill, 1959; consideration of the Administration of Evacuee Property (Amendment) Bill, 1959; and passing of the Bills.

GMGIPD—LSII—341(Al)LSD—20-2-60—950.